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REFERENCE MATERIALS – BOARD PAPER NO. 2014.02.07.1b

TITLE: **Appointment of Joe Abley to the Security & Stability Advisory Committee**

Document/Background Links

The following attachments are relevant to the Board's consideration of the TLG Bylaws Revisions.

Attachment A is the Board Cover Letter for Joe Abley.

Attachment B is the Resume for Joe Abley.

Submitted By: Ram Mohan, SSAC Liaison to the Board
Date Noted: 7 January 2014
Email: rmohan@afilias.info

07 January 2014

To: ICANN Board
From: The SSAC Chair
Via: The SSAC Liaison to the ICANN Board

The purpose of this letter is to bring you up-to-date on a proposed change to the membership of the Security and Stability Advisory Committee (SSAC) and to provide an explanation for the attached request for Board action. This change is the result of ongoing new member evaluations conducted by the SSAC Membership Committee and approved by the SSAC.

The SSAC Membership Committee considers new member candidates and makes its recommendations to the SSAC. The SSAC has agreed with the Membership Committee's recommendation to nominate Joe Abley as a new member. Joe Abley has been participating in the SSAC as part of his role as Director of DNS Operations at ICANN. He now has joined Dyn as a Principal Architect. Joe Abley brings experience regarding DNS operations and significant technical depth of understanding with respect to the DNS and DNS-related issues of the SSAC.

The SSAC Membership Committee respectfully requests that the Board appoint Joe Abley to the SSAC. Attached is his résumé for your reference.

The SSAC welcomes comments from the Board concerning this request.

Patrik Fältström, SSAC Chair

JOSEPH N. ABLEY
Contact Information Redacted

hopcount

Professional Résumé

OBJECTIVE
To work with customer-centric and community-driven organisations on network and systems architecture design, development, deployment and operation; to contribute to the ongoing effort to improve the stability and accessibility of the Internet.

EXPERTISE
Systems and service architecture; team-building for cross-disciplinary technical design and operational groups; knowledge-transfer and training; Domain Name System (DNS) and DNS Security (DNSSEC) operations, architecture and protocol engineering; operation of critical Intenret DNS infrastructure; anycast distribution of DNS services; globally-dispersed infrastructure deployment with experience on-site in Asia-Pacific, Europe, Africa and North America; platform testing and technical vendor selection.

LOCATION
Holder of Canadian, British and New Zealand Passports, and hence authorised to work with no or minimal immigration requirements in Canada, the European Union, New Zealand and Australia. For work elsewhere assistance may be required. Extensive telecommuting experience. Widely-travelled and adaptable.

CONSULTING EXPERIENCE, HOPCOUNT LIMITED
Hopcount Limited is a privately-held consulting company, federally incorporated in Canada and registered in the Province of Ontario, with offices at 470 Moore Street, London, Ontario, Canada. The projects below were carried out by Joseph Abley as Hopcount's principal consultant. Work was carried out remotely from Hopcount offices with customer meetings on-site as required.

DIRECTOR DNS OPERATIONS, ICANN, MARINA DEL REY, CA, USA — JAN. 2009 - PRESENT
Manage a team of four technical specialists responsible for the design, deployment and operation of public DNS and DNSSEC infrastructure at ICANN, including L-Root and the management of cryptographic keys for DNSSEC in the root zone of the DNS.

NETWORK AND SYSTEMS TRAINER, NSRC, EUGENE, OR, USA — OCT. 2012 - PRESENT
Member of a pool of trainers who design and deliver technical workshops, mainly to engineers in developing economies.

CONSULTANT, CIRA, OTTAWA, CANADA — JAN. 2011 - MAR. 2012
Collaboration with CIRA staff to design processes and systems for the deployment of DNSSEC in the CA top-level domain.

CONSULTANT, TERRABYTE, TORONTO, CANADA — DEC. 2007
Technical evaluation of the operational status of W3Connex, a wireless ISP in Ontario, Canada.

CONSULTANT, FILOGIX, LONDON, CANADA — DEC. 2007
Support for Filogix staff in increasing network diversity and reliability.

CONSULTANT, EGATE NETWORKS, TORONTO, CANADA — JUL. 2007 - OCT. 2007
Rearchitecture of peering, transit and customer edges for a business-centric ISP in Toronto, Canada.

CONSULTANT, ICANN, MARINA DEL REY, CA, USA — JUN. 2007
Review of L-Root architecture and deployment.

CONSULTANT, CIRA, OTTAWA, CANADA — DEC. 2006 - MAY 2007
Design and specification of an anycast nameserver network for the CA top-level domain.

CONSULTANT, TEKSAVVY SOLUTIONS, CHATHAM, CANADA — OCT. 2006 - AUG. 2008
Operational support and software development for a large, privately-held, regional Canadian ISP.

CONSULTANT, ICANN, MARINA DEL REY, CA, USA — FEB. 2006 - MAY 2006
Specification of a new architecture for the L-Root nameserver, focussed on providing a high-availability service capable of handling very high traffic loads. Work carried out in cooperation with ICANN staff; training and documentation provided such that the service could be reliably handed off to staff for ongoing operations.

CONSULTANT, NSRC, EUGENE, OR, USA — APR. 2005 - DEC. 2005
Retained by the Network Startup Resource Center at the University of Oregon to provide specifications and testing for a small-footprint domain registry packaged named tinyReg, intended for use by country-code top-level domain managers in developing countries.

CONSULTANT, AUTONOMICA, STOCKHOLM, SWEDEN — MAR. 2005
Development of best-current practice documentation for anycast service distribution.

CONSULTANT, CATALYST .NET, WELLINGTON, NZ — JAN. 2005
Facilitation of Internet address resource application to APNIC.

CONSULTANT, EP.NET, LOS ANGELES, CA, USA — AUG. 2004 - DEC. 2005
Systems administration and network management for EP.Net, an Internet infrastructure company based in Los Angeles.

CONSULTANT, ISC, REDWOOD CITY, CA, USA — AUG. 2004 - MAY 2006
Primary responsibility for operational maintenance, design and implementation of all ISC networks, including a multi-gigabit, multi-site hosting facility in California supporting numerous free software projects and a 33-site global anycast network for the F-Root nameserver. Represented ISC at regional operator meetings, and engaged in NSF-funded standardisation work on behalf of ISC at the IETF.

CONSULTANT, FX NETWORKS, WELLINGTON, NZ — JUN. 2004 - MAR. 2005
Network architecture for a green-fields, disruptive wholesale, optical IP network to be deployed in New Zealand.

CONSULTANT, A-TRAC, AUCKLAND, NZ — JUN. 2004
Analysis of mobile charges for wireless vehicle tracking application.

CONSULTANT, WISE NET, MASTERTON, NZ — MAY 2004
Facilitation of Internet address resource application to APNIC.

CONSULTANT, 2DAY INTERNET, AUCKLAND, NZ — MAY 2004 - APR. 2007
Operational management of the network supporting 2Day Internet's Auckland hosting business.

EMPLOYMENT EXPERIENCE

NETWORK ARCHITECT, TEKSAVVY SOLUTIONS, CHATHAM, CANADA — SEP. 2008 - PRESENT
Responsible for next-generation architecture of access, hosting and backbone networks for a large, privately-held, regional ISP in Canada.

DIRECTOR OF OPERATIONS, AFILIAS CANADA., TORONTO, CANADA — MAR. 2007 - SEP. 2008
Manager of a team of five people responsible for the architecture, deployment and operation of DNS infrastructure. Supported generic and country-code top-level domains including ORG, INFO, MOBI, ASIA, AERO, SE (Sweden) and IN (India). Position included hands-on engineering work as well as direction of a team of technical specialists.

NETWORK ARCHITECT, AFILIAS CANADA, TORONTO, CANADA — MAR. 2006 - MAR. 2007
Architect and deployment prime for Afilias' DNS service platform, serving all Afilias customer top-level domains. Service was provided over a set of five geographically-dispersed nodes, each capable of serving around 2 Gbit/s of query traffic. Nodes featured extensive platform and vendor diversity.

DIRECTOR, HOPCOUNT, LONDON, CANADA — MAR. 2004 - PRESENT
Director, shareholder and principal consultant for Hopcount Limited, a technical consulting company. See "Consulting Experience" for details of work carried out on behalf of Hopcount.

TECHNICAL ADVISORY BOARD, HYPERCHIP, MONTRÉAL, CANADA — DEC. 2002 - 2004
Member of the Technical Advisory Board, providing assistance with operational deployment and pre-sales issues for Hyperchip's PBR-1280 Core IP System. Hyperchip declared bankruptcy in 2004.

MEMBER OF TECHNICAL STAFF, ISC, REDWOOD CITY, CA, USA — JUL. 2002 - JUL. 2004
Software architecture and development; network operations; community education; participation in the development of Internet standards. Deployment prime and contributor to the design of ISC's global anycast distribution project for the F-Root nameserver, including installation work on-site in Hong Kong, USA, New Zealand, South Korea, Peoples' Republic of China, Canada, South Africa and the United Arab Emirates. Carried out training and provided programme support for workshops, tutorials and presentations in the USA, South Korea, Nepal, Sri Lanka, Uganda, South Africa and New Zealand.

TOOLMAKER, MFN CANADA, TORONTO, CANADA — JAN. 2001 - JUN. 2002
Development of tools and platforms for network traffic visualisation, operational support and architectural research at Metromedia Fiber Network. Receipiant of MFN's first "Global Circle Award" which was awarded to the top 2% of MFN employees in recognition of "outstanding contributions to MFN's business".

BACKBONE ENGINEER, MFN CANADA, TORONTO, CANADA — SEP. 2000 - JAN. 2001
Fault diagnosis and traffic engineering on MFN's global IP network. Addition of new peers to the network, including liaison with site technicians and optical teams to bring new optical peering circuits live across the US and Europe. Responded to change requests relating to backbone and IP transit.

CONSULTANT, LUCENT TECHNOLOGIES, AUCKLAND, NZ — JUN. 2000
Site installation, troubleshooting and customer training for the Lucent TNT high-density dial access platform.

CONSULTANT, TELSTRA SATURN, AUCKLAND, NZ — MAY 2000 - AUG 2000
Technical prime for the assimilation of networks and operational staff from various acquisitions, development of a new network architecture, and migration between the two.

CONSULTANT, ATTICA COMMUNICATIONS, AUCKLAND, NZ — MAY 2000 - AUG. 2000
Migration of a production mail cluster serving 65,500 mailboxes for free internet company "i4free" to a new scalable platform based on qmail. Integration of several wholesale bandwidth providers and associated traffic balancing to support i4free and other hosted ISPs.

CONSULTANT, CACHEFLOW, AUCKLAND, NZ — JAN. 2000 - APR. 2000
Pre-implementation consulting and early beta field testing of enhancements for CacheOS aimed at improving performance for networks incorporating satellite delivery.

CONSULTANT, AT&T GLOBAL NETWORK SERVICES, AUCKLAND, NZ — JAN. 2000
Consultant and liaison between AT&T and other significant local network operators to produce a New Zealand peering strategy for AGNS.

CONSULTANT, MERCURY TELECOMMUNICATIONS, AUCKLAND, NZ — NOV. 1999 - MAY 2000
Design, procurement and implementation of a scalable Internet service platform for a startup telecommunications carrier.

CONSULTANT, VIRTUAL SPECTATOR, AUCKLAND, NZ — OCT. 1999 - MAR 2000
Design, integration and support of the production network used by Quokka.com, Virtual Spectator and Animation Research in the electronic coverage of the Louis Vuitton Challenge and the Americas Cup 2000 in Auckland. Original design consulting for the distribtuion mechanism of race data from yacht-to-shore telemetry through to high-volume distribution nodes in New Zealand, the USA and the UK.

CONSULTANT, TERRABYTE INTERACTIVE, AUCKLAND, NZ — OCT. 1999 - AUG. 2000
Ad-hoc network support; periodic consultation on infrastructure planning and expansion of Terrabyte's application-hosting and content-delivery platforms.

CONSULTANT, 2DAY INTERNET, AUCKLAND, NZ — OCT. 1999 - AUG. 2000
Network hardening for the principal web-hosting server farm. Design and deployment of nameserver infrastructure for AQ, TK and PN country-code top-level domains. Scaled the nameserver platform to provide authoritative name service for tens of thousands of customer zones. Integration of Windows-based customer care and service provisioning systems with a unix-based delivery system. Modifications to BIND to facilitate Microsoftisms were rolled into BIND 8.2.2-P5 by ISC.

NETWORK ARCHITECT, CLEAR COMMUNICATIONS, AUCKLAND, NZ — JAN. 1998 - AUG. 1999
Prime architect for CLEAR's public IP infrastructure, including top-level operational support and training for lower-level support organisations within CLEAR. IP development prime for CLEAR's broadband packet access product, and participant in the roll-out of CLEAR's early voice-over-IP testbeds. Deployment of an early public IPv6 network in New Zealand which carried real traffic between customers and the 6bone. Architect and deployment prime for a high-capacity international network between NZ and the USA for Internet access, using simplex satellite circuits in combination with bidirectional under-sea cable. Technical architect for CLEAR Net's "Dedicated Access" product, which was the first in NZ to incorporate grade-of-service-based SLAs for international transit traffic.

UNIX ADMINISTRATOR, CLEAR COMMUNICATIONS, AUCKLAND, NZ — OCT. 1996 - JAN 1998
System administration of internal Unix platforms and enterprise network. Part of the core design and build team for CLEAR Net, CLEAR's first retail Internet service product. Prime responsibility for backbone, access and service networks; work also included software development for initial CLEAR Net services and back-end systems. Responsibility for the development and expansion of CLEAR's corporate Unix platforms running HP/UX, Solaris and IRIX. Architect and original deployment prime for CLEAR's multi-protocol enterprise network.

INSTRUCTOR, REVENUE CANADA, SUMMERSIDE, CANADA — MAR. 1997 - APR. 1997
Wrote and presented three seven-day courses entitled "Applied Data Communications" to Revenue Canada IT staff.

SYSTEMS ENGINEER, HOOKUP COMMUNICATIONS, OAKVILLE, CANADA — MAR. 1996 - SEP. 1996
Systems administration and software develop for Hookup's Solaris service platform. Hostmaster.

SYSTEMS MANAGER, ICIS, LONDON, CANADA — OCT. 1995 - MAR. 1996
Primary technical responsibility for the architecture and deployment of networks and services at Inter*Com Information Services, a small ISP in London, Ontario. ICIS was acquired by Hookup Communications in 1996.

SOFTWARE DEVELOPER, ORIGIN (CAMBRIDGE), WHYTELEAFE, UK — JUN. 1994 - OCT. 1995
Software development for Philips Semiconductors and Philips Components in England and the Netherlands, including extensive documentation and user training.

SOFTWARE DEVELOPER, GOODFELLOW (CAMBRIDGE), CAMBRIDGE, UK — OCT. 1993 - JUN. 1994
Software development and fulfillment and logistics management systems, including Internet e-mail gateways and optical document management systems.

COMMUNITY PARTICIPATION

INTERNET ENGINEERING TASK FORCE
Participant in various network- and DNS-oriented working groups.

INTERNET ARCHITECTURE BOARD
Executive Director of the Internet Architecture Board (IAB), March 2007 - March 2008.

TORONTO INTERNET EXCHANGE (TORIX)
Elected member of the TorIX board of directors, February 2007 - January 2009.

LONDON INTERNET EXCHANGE (LONIX)
Chair of the Technical Advisory Group, London Internet Exchange (LonIX), London, Canada, March 2007 - present.

NORTH AMERICAN NETWORK OPERATORS GROUP (NANOG)
Member of the Programme Committee (2005 - 2006); member of the Steering Committee (2005 - 2006); Chair of the Steering Committee (2006); Co-host of the NANOG 39 meeting in Toronto, Canada.

NETWORK STARTUP RESOURCE CENTER (NSRC)
Volunteer instructor (2003 - October 2012); .

NEW ZEALAND NETWORK OPERATORS GROUP (NZNOG)
Member of the Programme Committee (2004 - present); Trustee of the NZNOG Trust (March 2009 - present).

AUCKLAND PEERING EXCHANGE (APE)
Founder of the Auckland Peering Exchange (APE), a neutral Internet Exchange Point in Auckland, New Zealand.

AFRICAN NETWORK OPERATORS GROUP (AFNOG)
Workshop instructor (2006 - present).

ASIA-PACIFIC REGIONAL INTERNET CONFERENCE ON OPERATIONAL TECHNOLOGIES (APRICOT)
Programme committee (2005).

ASIA-PACIFIC NETWORK INFORMATION CENTRE (APNIC)
Chair of the DNS Special Interest Group (SIG) (2003 - 2007).

EDUCATION
Jesus College, University of Cambridge, Cambridge, UK, MA (Cantab), June 1997.

Jesus College, University of Cambridge, Cambridge, UK, BA (Hons), June 1993.

PUBLICATIONS

1. J. Abley, W. Maton, “I’m Being Attacked by PRISONER.IANA.ORG!”, RFC 6305, ISSN 2070-1721, http://www.rfc-editor.org/rfc/rfc6305.txt, July 2011.

2. J. Abley, W. Maton, “AS112 Nameserver Operations”, RFC 6304, ISSN 2070-1721, http://www.rfc-editor.org/rfc/rfc6304.txt, July 2011.

3. J. Abley, T. Manderson, “Nameservers for IPv4 and IPv6 Reverse Zones”, RFC 5855, BCP 155, ISSN 2070-1721, http://www.rfc-editor.org/rfc/rfc5855.txt, May 2010.

4. J. Abley, “Fear and Loathing in the Routing System”, Usenix ;login:, Volume 33, Number 1, http://static.usenix.org/publications/login/2008-02/openpdfs/abley.pdf, February 2008.

5. J. Abley, P. Savola, G. Neville-Neil, “Deprecation of Type 0 Routing Headers in IPv6”, RFC 5095, http://www.rfc-editor.org/rfc/rfc5095.txt, December 2007.

6. J. Abley, K. Lindqvist, “Operation of Anycast Services”, RFC 4786, BCP 126, http://www.rfc-editor.org/rfc/rfc4786.txt, December 2006.

7. J. Abley, K. Lindqvist, E. Davies, B. Black, V. Gill, “IPv4 Muiltihoming Practices and Limitations”, RFC 4116, http://www.rfc-editor.org/rfc/rfc4116.txt, July 2005.

8. J. Abley, “A Software Approach to Distributing Requests for DNS Service using GNU Zebra, ISC BIND9 and FreeBSD”, ISC-TN-2004-1, http://ftp.isc.org/isc/pubs/tn/isc-tn-2004-1.txt, March 2004.

9. J. Abley, V. Gill, “Goals for IPv6 Site-Multihoming Architectures”, RFC 3582, http://www.rfc-editor.org/rfc/rfc3582.txt, August 2003.

10. J. Abley, “Hierarchical Anycast for Global Service Distribution”, ISC-TN-2003-1, http://ftp.isc.org/isc/pubs/tn/isc-tn-2003-1.txt, January 2003.

SELECTED PRESENTATIONS

1. J. Abley et al., “DNSSEC for the Root Zone”, proceedings of RIPE 59, October 2009

2. J. Abley, “Building Nameserver Clusters with Free Software”, proceedings of NANOG 34, May 2005.

3. J. Abley, “Peering in New Zealand”, proceedings of NZNOG 2005, February 2005.

4. J. Abley, “Introduction to RPSL”, proceedings of the TorIX Members Meeting, September 2004.

5. J. Abley, “A Software Approach to Distributing Requests for DNS Service using GNU Zebra, ISC BIND9 and FreeBSD”, ISC-TN-2004-1, March 2004.

6. J. Abley, “Building a Web of Trust”, proceedings of NANOG 29, October 2003.

7. J. Abley, “The F Root Nameserver”, proceedings of iWeek 2003.

8. J. Abley, “DNS and Internet Mail Infrastructure”, proceedings of NetSA workshop held with SANOG 3, July 2003.

9. J. Abley, “Making Internet Services Highly Available”, proceedings of NetSA workshop held with SANOG 3, July 2003.

10. J. Abley, “The Future of IP Addressing”, proceedings of SANOG 1, January 2003.

11. J. Abley, S. Stuart, “Managing IP Networks with Free Software”, proceedings of NANOG 26, October 2002.

12. J. Abley, “An Operator’s Perspective: Scary Things you Might Wish you Hadn’t Heard”, proceedings of the Large Scale Communication Networks Concluding Conference, Institute for Pure and Applied Mathematics, June 2002.

13. J. Abley, J. Wepman, A. Lange, M. Meyer, “IP Traffic Management: Measurement, Analysis and Optimisation”, proceedings of NANOG 25, June 2002.

14. J. Abley, J. Wepman, “Inter-Domain Traffic Engineering: Principles, Applications and Case Studies”, proceedings of NANOG 24, February 2002.

REFERENCES

References available upon request.

REFERENCE MATERIALS – BOARD PAPER NO. 2014.02.07.1c

TITLE: **Technical Liaison Group Bylaws Revisions**

Document/Background Links

The following attachments are relevant to the Board's consideration of the TLG Bylaws Revisions.

Attachment A is the redlined of the proposed Bylaws revisions.

Attachment B is the Report of Public Comments.

Submitted By:	Amy A. Stathos, Deputy General Counsel
Date Noted:	21 January 2014
Email:	amy.stathos@icann.org

Article VI, Section 9. NON-VOTING LIAISONS

1. The non-voting liaisons shall include:

a. One appointed by the Governmental Advisory Committee;

b. One appointed by the Root Server System Advisory Committee established by Article XI of these Bylaws;

c. One appointed by the Security and Stability Advisory Committee established by Article XI of these Bylaws;

~~d. One appointed by the Technical Liaison Group established by Article XI A of these Bylaws;~~

d~~e~~. One appointed by the Internet Engineering Task Force.

ARTICLE VII: NOMINATING COMMITTEE

Section 1. DESCRIPTION

There shall be a Nominating Committee of ICANN, responsible for the selection of all ICANN Directors except the President and those Directors selected by ICANN's Supporting Organizations, and for such other selections as are set forth in these Bylaws.

Section 2. COMPOSITION

The Nominating Committee shall be composed of the following persons:

1. A non-voting Chair, appointed by the ICANN Board;

*****

8. One voting delegate each selected by the following entities:

a. The Council of the Country Code Names Supporting Organization established by Article IX of these Bylaws;

b. The Council of the Address Supporting Organization established by Article VIII of these Bylaws; and

c. The Internet Engineering Task Force.~~; and~~

~~d. The ICANN Technical Liaison Group established by Article XI A of these Bylaws;~~

Article XI, Section 2. TECHNICAL LIAISON GROUP

1. Purpose. The quality of ICANN's work depends on access to complete and authoritative information concerning the technical standards that underlie ICANN's activities. ICANN's relationship to the organizations that produce these standards is therefore particularly important. The Technical Liaison Group (TLG) shall connect the Board with appropriate sources of technical advice on specific matters pertinent to ICANN's activities.

2. TLG Organizations. The TLG shall consist of four organizations: the European Telecommunications Standards Institute (ETSI), the International Telecommunications Union's Telecommunication Standardization Sector (ITU-T), the World Wide Web Consortium (W3C), and the Internet Architecture Board (IAB).

3. Role. The role of the TLG organizations shall be to channel technical information and guidance to the Board and to other ICANN entities. This role has both a responsive component and an active "watchdog" component, which involve the following responsibilities:

a. In response to a request for information, to connect the Board or other ICANN body with appropriate sources of technical expertise. This component of the TLG role covers circumstances in which ICANN seeks an authoritative answer to a specific technical question. Where information is requested regarding a particular technical standard for which a TLG organization is responsible, that request shall be directed to that TLG organization.

b. As an ongoing "watchdog" activity, to advise the Board of the relevance and progress of technical developments in the areas covered by each organization's scope that could affect Board decisions or other ICANN actions, and to draw attention to global technical standards issues that affect policy development within the scope of ICANN's mission. This component of the TLG role covers circumstances in which ICANN is unaware of a new development, and would therefore otherwise not realize that a question should be asked.

4. TLG Procedures. The TLG shall not have officers or hold meetings, nor shall it provide policy advice to the Board as a committee (although TLG organizations may individually be asked by the Board to do so as the need arises in areas relevant to their individual charters). Neither shall the TLG debate or otherwise coordinate technical issues across the TLG organizations; establish or attempt to establish

unified positions; or create or attempt to create additional layers or structures within the TLG for the development of technical standards or for any other purpose.

5. Technical Work ~~of the IANA~~with the IETF. The TLG shall have no involvement with the ~~IANA's~~ ICANN's work for the Internet Engineering Task Force (IETF), Internet Research Task Force, or the Internet Architecture Board (IAB), as described in the IETF-ICANN Memorandum of Understanding Concerning the Technical Work of the Internet Assigned Numbers Authority ratified by the Board on 10 March 2000.

6. Individual Technical Experts. Each TLG organization shall designate two individual technical experts who are familiar with the technical standards issues that are relevant to ICANN's activities. These 8 experts shall be available as necessary to determine, through an exchange of e-mail messages, where to direct a technical question from ICANN when ICANN does not ask a specific TLG organization directly.

~~7. Board Liaison and Nominating Committee Delegate. Annually, in rotation, one TLG organization shall appoint one non-voting liaison to the Board according to Article VI, Section 9(1)(d). Annually, in rotation, one TLG organization shall select one voting delegate to the ICANN Nominating Committee according to Article VII, Section 2(8)(j). The rotation order for the appointment of the non-voting liaison to the Board shall be ETSI, ITU-T, and W3C. The rotation order for the selection of the Nominating Committee delegate shall beW3C, ETSI, and ITU-T. (IAB does not participate in these rotations because the IETF otherwise appoints a non-voting liaison to the Board and selects a delegate to the ICANN Nominating Committee.)~~

Report of Public Comments

Title:	Proposed Bylaws Changes Regarding the Technical Liaison Group
Publication Date:	
Prepared By:	Elizabeth Le

Comment Period:	
Comment Open Date:	30 October 2013
Comment Close Date:	29 November 2013
Reply Close Date:	20 December 2013
Time (UTC):	23:59

Important Information Links
Announcement
Public Comment Box
View Comments Submitted
Report of Public Comments

Staff Contact:	Amy A. Stathos	**Email:**	amy.stathos@icann.org

Section I: General Overview and Next Steps

The ICANN Board has recently been reviewing the fundamental question of how it can obtain technical advice that it needs. Advice on technical matters is one of those key areas where the existing advisory mechanism, the Technical Liaison Group (or TLG), is not meeting the Board's needs or the mission as stated in the Bylaws. One of the key functions that the TLG is supposed to serve is to appoint experts to which ICANN can direct technical questions. To date these experts have not yet been appointed. The proposed Bylaws posted for comment are anticipated to help streamline the efforts of the component entities of the TLG in providing the ICANN Board with technical advice. Instead of focusing their efforts on the appointment of a Board Liaison or a Nominating Committee member, the primary task remaining with the TLG entities will be to focus on the appointment of experts that the Board can call upon for advice. The Liaison role does not offer this more global access to expertise, as the TLG Liaison role rotates on an annual basis, and no one Liaison is able to deliver a coordinated position representing all of the TLG entities.

The Bylaws changes do not represent any change to the role of the TLG, which is to "channel technical information and guidance to the Board and other ICANN entities." Nor is there any change to four entities that make up the TLG. This proposed change is directed only towards simplifying how the TLG operates and delivers technical advice to the Board.

Next Steps:
ICANN Staff will provide a copy of this summary and analysis, along with the proposed Bylaws revisions, to the Board for consideration.

Section II: Contributors

At the time this report was prepared, a total of two (2) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
At-Large Advisory Committee	ICANN At-Large Staff	ALAC

Individuals:

Name	Affiliation (if provided)	Initials

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Summary of Substantive Comments

The At-Large Advisory Committee ("ALAC") supports the intent of the proposed Bylaws changes to increase the availability of technical advice to the Board as well as the effectiveness of the TLG. The ALAC expressed concerns that the order in which the changes are presented is out of line with the original recommendations of the Board technical relations WG findings. The ALAC asked the ICANN Board to make sure, in the substitution of the TLG position on the Board, that it be structurally replaced by constant access to the necessary technical competence, not through a structured, distance consultation. The ALAC noted that the actual elimination of the position of a technical liaison to the ICANN Board should not occur until, at least, a mechanism to seek regular advice from the TLG be founded. The ALAC recommended that mechanisms for reciprocal advice be explored for ICANN to improve its links with some organizations, specifically the W3C, ITU-T, and ETSI, that are part of the TLG. With respect to the proposal to remove a TLG delegate from the Nominating Committee ("NomCom"), the ALAC does not support this change. The ALAC expressed concerns that this proposed change is inconsistent with the WG's Final Report on this issue. The ALAC commented that the TLG delegate to the NomCom has provided a significant outreach component to technical communities and that removing this position is likely to hinder the NomCom's Outreach component. The ALAC further noted that given the concerns of having persons on the Board with sufficient technical expertise, this change should not be supported and the TLG should continue to be able to select a delegate to serve on the NomCom.

Summary of Non-Substantive/Procedural Comments

The ALAC submitted a comment on 23 November 2013 advising that it will be submitting a Statement during the reply period.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

There was only one substantive comment submitted. As noted above, the ALAC supported the intent of the proposed Bylaws revisions to increase the availability of technical advice to the Board as well as the effectiveness of the TLG. However, the ALAC expressed concerns with the elimination of the technical liaison position to the Board without first having a mechanism to seek regular advice from the TLG in place. The ALAC does not support removing a TLG delegate from the NomCom.

With respect to the comment regarding strengthening of TLG advisory mechanism, the Board has already addressed this issue on 28 September 2013 in resolution 2013.09.28.15.

With respect to the concern regarding outreach to the technical communities, each of the four organizations that make up the TLG are engaged in ongoing community outreach efforts. The removal of a TLG delegate from the NomCom does not prevent these organizations from continuing with their efforts and they are encouraged to continue those efforts.

ICANN Staff will provide a copy of this summary and analysis, along with the proposed Bylaws revisions, to the Board for consideration.

REFERENCE MATERIALS – BOARD PAPER NO. 2014.02.07.2a

TITLE: **Protection of IGO-INGO Identifiers in All gTLDs Policy Development Process**

Document/Background Links

The following attachments are relevant to the Board's consideration of the Protection of IGO-INGO Identifiers in All gTLDs Policy Development Process.

Attachment A is the Final Report on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process.

Attachment B is the GNSO Council Report to the ICANN Board on IGO-INGO PDP.

Attachment C is the Minority Positions on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process.

Submitted by: Mary Wong

Position: Senior Policy Director

Date Noted: 27 January 2014

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Final Report on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process

STATUS OF THIS DOCUMENT

This is the Final Report on the Protection of IGO and INGO Identifiers in all gTLDs, prepared by ICANN staff and the Working Group. It contains policy recommendations from the PDP Working Group ("WG"). This Final Report was submitted to the GNSO Council on 10 November, 2013 for their consideration.

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1. Executive Summary

1.1 Working Group Recommendations

This section contains the Working Group's (WG) recommendations on the protections of IGO-INGO identifiers in all gTLDs. Each recommendation is presented per organization type [i.e. Red Cross Red Crescent (RCRC), International Olympic Committee (IOC), other International Non-Governmental Organizations (INGO), and International Governmental Organization (IGO)]. A set of general recommendations not attributed to any specific organization is also included. Within each organization type, the WG considered varying levels of protection independently. Given the complexity of identifiers and the scope of the protections considered, the recommendations are presented in a chart for ease of review. A set of definitions, consensus scale per Working Group Guidelines, and Consensus Call legends are also listed below and should be considered when reviewing the chart of recommendations.

There are well over 20 total proposed policy recommendations that are presented in detail within Section 3. For each recommendation, the level of consensus agreed upon by the WG is also identified according to the GNSO Working Group Guidelines.

Supplements to this report - Given the amount of content associated with deliberating this issue of protections for international organizations, a series of supplements are provided with this report to minimize the length of the Final Report:

- A - IGO-INGO_Minority_Positions
- B - IGO-INGO_FinalReport_ConsensusCall
- C - IGO-INGO_PCRT_FinalReport
- D - IGO-INGO_Identifier_List_RCRC

1.2 Deliberations of the Working Group

The Protection of IGO, INGO, IOC and RCRC Identifiers in All gTLDs Working Group started its deliberations on 31 October 2012 where it was decided to continue the work primarily through weekly conference calls, in addition to e-mail exchanges.

Section 4 provides an overview of the deliberations of the Working Group conducted both by conference calls as well as e-mail threads.

Section 4 also includes a brief summary of the ICANN General Counsel's survey of the protections provided to certain international organizations under international treaties and a sampling of national jurisdictions, prepared in response to specific questions submitted by the Working Group regarding whether there were any treaties or national laws that would prohibit the domain name registration of RCRC, IOC, IGO and/or INGO identifiers.

1.3 Background

Providing special protections for the names and acronyms of the RCRC, IOC, other INGOs, and for IGOs and from third party domain name registrations at the top and second levels of new gTLDs has been a long-standing issue over the course of the New gTLD Program.

The GAC has advised the ICANN Board to provide special permanent protections for the RCRC and IOC names at the top and second levels of new gTLDs, and special protections against inappropriate third party registration for the names and acronyms of IGOs at the second level of new gTLDs and at the top level in any future new gTLD rounds. In the case of IGOs, the GAC has further advised that the IGO names and acronyms "may not be acquired by any third party as a domain name at either the top or the second level unless express written permission is obtained from the IGO concerned[1]."

A GNSO Issue Report was prepared by staff as a result of a recommendation from an IOC/ RCRC Drafting Team[2] formed to develop a possible response to the GAC about GNSO policy implications for granting protections of names.

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[1] See Letter and Annexes from Heather Dryden to Steve Crocker and Cherine Chalaby:
http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-22mar13-en
http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex1-22mar13-en.pdf
http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf

[2] IOC / RCRC Protection DT Archive: http://gnso.icann.org/en/group-activities/active/ioc-rcrc

The GNSO Council considered the Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs, and approved a motion to initiate a Policy Development Process ("PDP") for the protection of certain international organization names and acronyms in all gTLDs. The Working Group ("WG") was formed on 31 October 2012 and the WG Charter was approved by the GNSO Council on 15 November 2012. The decision was taken in this context to subsume the issues of the IOC and of the Red Cross and Red Crescent designations and names under the new Working Group and PDP process.

On 14 June 2013, the IGO-INGO Working Group submitted its Initial Report on the protection of IGO-INGO identifiers for a 42 day public comment period. While the Working Group (WG) received several comments on the topic of protections for certain organizations, all the contributions received were from members of the IGO-INGO WG and as such the nature of those comments had already been discussed within the WG.

Prior to and in parallel to the IGO-INGO WG, the NGPC adopted a series of resolutions to provide protections for the IOC and RCRC identifiers in Specification 5 of the approved Registry Agreement for New gTLDs following the GAC advice until any policy recommendations from the GNSO would require further and/or different action. A temporary placement of IGO identifiers, as supplied by the GAC, was also placed into Specification 5 of the agreement until further deliberations at the Buenos Aires meeting in Nov 2013 can occur.

1.4 Stakeholder Group / Constituency Statements & Public Comment Periods

The WG requested input from the GNSO Stakeholder Groups and Constituencies, as well as other ICANN Supporting Organizations and Advisory Committees. Further information on the community input received, as well as a brief summary of the positions submitted by IGOs and INGOs is available in Section 6.

1.5 Conclusions and Next Steps

This Final Report is being submitted to the GNSO Council for their consideration to determine what further actions to take. The IGO-INGO WG will follow the directions of the Council if any additional work is needed and/or if an Implementation Review Team is formed.

2. Objective

This Final Report on the Protection of IGO, INGO, IOC and RCRC Identifiers in all gTLDs PDP is being published pursuant to the GNSO Policy Development Process set forth under the ICANN Bylaws (see http://www.icann.org/general/bylaws.htm#AnnexA). The proposed policy recommendations for the protection of IGO and INGO (including RCRC and IOC) identifiers in all gTLDs presented in this Final Report also contain the Working Group Chair's assessment on the levels of consensus. The objective of this Final Report is to present the policy recommendations to the GNSO Council for further consideration and action.

3. Working Group Recommendations

This section contains the Working Group's (WG) recommendations on the protections of IGO-INGO identifiers in all gTLDs. Each recommendation is presented per organization type [i.e. Red Cross Red Crescent (RCRC), International Olympic Committee (IOC), other International Non-Governmental Organizations (INGO), and International Governmental Organization (IGO)]. A set of general recommendations not attributed to any specific organization is also included. Within each organization type, the WG considered varying levels of protection independently. Given the complexity of identifiers and the scope of the protections considered, the recommendations are presented in a chart for ease of review. A set of definitions, consensus scale per Working Group Guidelines, and Consensus Call legends are also listed below and should be considered when reviewing the chart of recommendations.

Identifier Definitions:

- Identifier - The full name or acronym used by the organization seeking protection; its eligibility is established by an approved list.
- Scope – the limited list of eligible identifiers distinguished by type (name or acronym) or by additional designations as agreed upon and indicated in the text below; may also include lists approved by the GAC (where this is the case it is expressly indicated as such in the text below).
- Language – The scope of languages for which a Latin-script identifier is to be protected.

Consensus Scale:

Each recommendation will include a corresponding level of consensus as agreed to by the WG. The consensus scale documented here is an extract from the GNSO Working Group Guidelines[3].

- **Full Consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as Unanimous Consensus.
- **Consensus** - a position where only a small minority disagrees, but most agree. **
- **Strong Support but Significant Opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it. **
- **Divergence** (also referred to as No Consensus) - a position where there isn't strong support for any particular position, but many (two or more) different points of view. Sometimes this

[3] GNSO WG Guidelines: http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-08apr11-en.pdf

is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.**

****Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a Consensus, Strong support but significant opposition, and Divergence (i.e., No Consensus); or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

Note: The WG decided to only include recommendations that received at least 'strong support but significant opposition' in its recommendations in Sections 3.1 to 3.5. Unsupported proposals (i.e., those where there was divergence of support or no consensus) are shown in Section 3.6.

Consensus Call Submissions Legend:

The following legend shows the individuals and groups that participated in the WG's final consensus call. For each recommendation in Sections 3.1 to 3.5, GNSO Groups that did not support the recommendation are names and in some cases their rationale is provided. Consensus call detailed responses can be found in the Consensus Call Supplement (PDF) provided with this report[4].

- PI (individual): Submitted by Poncelet Ileleji – 27 Aug 2013
- ISO,IEC: Submitted by Claudia MacMaster Tamarit – 28 Aug 2013
- IGOs: Submitted by Sam Paltridge – 3 Sep 2013
- RCRC: Submitted by Stephane Hankins – 3 Sep 2013
- IOC: Submitted by James Bikoff – 3 Sep 2013
- RL (individual): Submitted by Mike Rodenbaugh – 3 Sep 2013
- ALAC: Submitted by Alan Greenberg – 3 Sep 2013
- RySG: Submitted by David Maher – 3 Sep 2013
- NCSG: Submitted by Avri Doria – 3 Sep 2013
- IPC: Submitted by Greg Shatan – 4 Sep 2013
- ISPCP: Submitted by Osvaldo Novoa – 11 Sep 2013
- RrSG: Did not submit
- CBUC: Submitted by Steve DelBianco – 2 Nov 2013

[4] At the time of writing this report, the final URL for the Final Report had not been established. Additional supplements to this report are also provided in PDF format and can be found in the IGO-INGO webpage: http://gnso.icann.org/en/group-activities/active/igo-ingo

Minority Positions:

Several minority statements were filed for this set of recommendations and they can be found as supplement PDFs provided with this Final Report. The minority position statements are provided as supplements[5] to allow stakeholders additional time in which to submit new statements or revisions due to the deadline for submitting motions and documents to the GNSO Council. Each minority position filed lists the group represented and the person that filed it.

Minority Positions Filed as PDF Supplements to this Final Report:

- A - IGO-INGO Minority Positions

Summary Positions for the four organization types are also included in Section 6.4 of this Report:

- Red Cross and Red Crescent, P.64, 65
- International Olympic Committee P.65
- International Governmental Organizations P.65
- International Non-Governmental Organizations P.65, 66

[5] At the time of writing this report, the final URL for the Final Report had not been established. Additional supplements to this report are also provided in PDF format and can be found in the IGO-INGO webpage: http://gnso.icann.org/en/group-activities/active/igo-ingo

3.1 Red Cross Red Crescent Movement (RCRC) Recommendations[6]

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**[7]: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ **Scope 2 Identifiers**[8]: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)***		
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus NCSG does not support
2	For *Red Cross Red Crescent Movement* identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level[9]	Consensus NCSG does not support
3	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement	Consensus NCSG does not support
4	For *Red Cross Red Crescent Movement* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**[10]	Consensus NCSG does not support
5	**Second-Level** protections of only Exact Match, Full Name Scope 2 identifiers of the *Red Cross Red Crescent Movement* are bulk added as a single list to the Trademark Clearinghouse (TMCH)**	Consensus NCSG supports, but with some opposition within the SG

[6] The RCRC provided a minority position statement regarding recommendations that did not achieve a level of consensus. The statement is provided as a PDF supplement to this report labeled, "A - IGO-INGO Minority Positions".
[7] The Scope 1 identifiers for RCRC are already placed on the reserved list: http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml
[8] The RCRC has provided a list of the Scope 2 identifiers via a supplement to this final report. See the "D - IGO-INGO Identifier List RCRC"
[9] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.
[10] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**[7]: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ **Scope 2 Identifiers**[8]: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)***		
6	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *Red Cross Red Crescent Movement* are bulk added as a single list to the Trademark Clearinghouse**	Consensus NCSG supports, but with some opposition within the SG
7	*Red Cross Red Crescent Movement* Scope 2 identifiers, if added to the TMCH, allowed to participate in Sunrise phase of each new gTLD launch	Strong Support but Significant Opposition RySG, does not support; NCSG supports, but with some opposition within the SG
8	*Red Cross Red Crescent Movement* Scope 2 identifiers, if added to the TMCH, allowed to participate in 90 Day Claims Notification[11] phase of each new gTLD launch for **Second-Level** registrations	Consensus NCSG supports, but with some opposition within the SG

** Because of support to reserve Scope 1 names at the top and second levels, it is not necessary to list Scope 1 names for any of the TMCH recommendations for second level protections.

*** Scope 2 Identifiers contain both full name and acronyms. The distinction is that Scope 1 identifiers are based on a list provided by GAC advice, while Scope 2 names were additionally requested by the RCRC.

[11] If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice, as distinct from the Trademark notices, may be required.

3.2 International Olympic Committee (IOC) Recommendations

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**: olympic, olympiad (Language: UN6, + German, Greek, and Korean)**		
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Olympic Committee* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus ALAC, NCSG do not support
2	For *International Olympic Committee* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level[12]	Consensus ALAC, NCSG do not support
3	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Olympic Committee* are placed in Specification 5 of the Registry Agreement	Consensus ALAC, NCSG do not support
4	For *International Olympic Committee* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**[13]	Consensus ALAC, NCSG do not support

** Note that the IOC did not request protections for acronyms and therefore no recommendations are included within this set.

[12] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.
[13] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.

3.3 International Governmental Organization (IGO) Recommendations[14]

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**: GAC List[15] (22 March 2013) - Full Name (Language: Up to two languages[16]) ○ **Scope 2 Identifiers**: GAC List (22 March 2013) - Acronym (Language: Up to two languages)		
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus NCSG does not support
2	For *International Governmental Organizations* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Top-Level**[17]	Consensus ALAC, NCSG do not support
3	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Governmental Organizations* are placed in Specification 5 of the Registry Agreement	Consensus NCSG does not support
4	For *International Governmental Organizations* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**[18]	Consensus NCSG does not support
5	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse	Strong Support but Significant Opposition NCSG does not support; IPC only support where acronym is primary identifier for the entity

[14] The IGO coalition has provided a minority position statement regarding recommendations that did not achieve a level of consensus. The statement is provided as a PDF supplement to this report labeled, "A - IGO-INGO Minority Positions".
[15] List of IGO Identifiers from GAC Advice: http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf
[16] The IGO Representatives collaborating with the GAC shall provide a list of the two languages each organization prefers because ICANN may not be in a position to determine which languages to be reserved for each 190+ organizations. UN6 is the standard scope for which ICANN conducts translations.
[17] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.
[18] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**: GAC List[15] (22 March 2013) - Full Name (Language: Up to two languages[16]) ○ **Scope 2 Identifiers**: GAC List (22 March 2013) - Acronym (Language: Up to two languages)		
6	*International Governmental Organizations* Scope 2 identifiers, if added to the TMCH, allowed to participate in Sunrise phase of each new gTLD launch	Strong Support but Significant Opposition RySG, does not support; NCSG supports, but with some opposition within the SG
7	*International Governmental Organizations* Scope 2 identifiers, if added to the TMCH, allowed to participate in 90 Day Claims Notification[19] phase of each new gTLD launch for **Second-Level** registrations**	Consensus NCSG, IGOs do not support

** Because of support to reserve Scope 1 names at the top and second levels, it is not necessary to list Scope 1 names for any of the TMCH recommendations for second level protections.

[19] If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice as distinct from the Trademark notices may be required.

3.4 International Non-Governmental Organizations (INGO) Recommendations[20]

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**: ECOSOC List[21] (General Consultative Status) (Language: English only) ○ **Scope 2 Identifiers**: ECOSOC List (Special Consultative Status) (Language: English only) *****Note, this list of Identifiers are INGOs other than the RCRC and IOC** See http://csonet.org/content/documents/E2011INF4.pdf		
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Non-Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Consensus NCSG, CBUC do not support
2	For *International Non-Governmental Organizations* Identifiers, if placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level[22]	Consensus NCSG does not support
3	For *International Non-Governmental Organizations* identifiers, if placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**[23]	Consensus NCSG does not support
4	**Second-Level** protections of only Exact Match, Full Name Scope 1 (unless otherwise reserve protected) & Scope 2 identifiers of the *International Non-Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse (TMCH)[24]	Consensus NCSG supports, but with some opposition within the SG

[20] The INGOs provided a minority position statement regarding recommendations that did not achieve a level of consensus. The statement is provided as a PDF supplement to this report labeled, "A - IGO-INGO Minority Positions".

[21] The IRT will need to determine how this list is managed as new organizations enter the list. How will ICANN be notified of changes? How is the protection implemented when an organization's string exceeds 63 characters?

[22] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.

[23] This recommendation depends on identifiers being reserved. If no support is determined for reservation protection, this recommendation is not required.

[24] The concept of bulk addition into the TMCH was to minimize cost associated with entry and validation. However, the Scope 2 names exceed 2000+ organizations. The IRT will need to determine how contact

#	Recommendation	Level of Support
○ **Scope 1 Identifiers**: ECOSOC List[21] (General Consultative Status) (Language: English only) ○ **Scope 2 Identifiers**: ECOSOC List (Special Consultative Status) (Language: English only) *****Note, this list of Identifiers are INGOs other than the RCRC and IOC** See http://csonet.org/content/documents/E2011INF4.pdf		
5	*International Non-Governmental Organizations* Scope 2 identifiers, if added to the TMCH, allowed to participate in Sunrise phase of each new gTLD launch	Strong Support but Significant Opposition RySG, does not support; NCSG supports, but with some opposition within the SG
6	*International Non-Governmental Organizations* Scope 1 (unless otherwise protected) & Scope 2 identifiers, if added to the TMCH, allowed to participate in 90 Day Claims Notification[25] phase of each new gTLD launch for **Second-Level** registrations	Consensus ISPCP support scope 1 only; NCSG support, but with some opposition within the SG

information required for TMCH forms be acquired and validated for bulk entry. Note that voluntary submission requests into TMCH will require backend validation of eligibility.

[25] If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice as distinct from the Trademark notices may be required.

3.5 General Recommendations

The following general recommendations are not attributed to any particular organization seeking protection, but rather they are presented to apply to all organizations seeking protection as applicable.

#	Recommendation	Level of Support
1	**Top-Level** protections of Exact Match, Acronym identifiers are placed in Applicant Guidebook section 2.2.1.2.3, of the Applicant Guidebook, Strings "Ineligible for Delegation"	Consensus Against[26] (refer to rec#4) IGO supports[27]; BC Supports for RCRC
2	**Second-Level** protections of Exact Match, Acronym identifiers are placed in Specification 5 of Registry Agreement	Consensus Against (refer to rec#4) IGO supports
3	The WG recommends that the respective policies are amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections based on their identified designations.	Consensus NCSG supports, but with some opposition within the SG
4	The WG recommends that the GNSO Council task the Standing Committee on Improvements (SCI) to review the Consensus levels as defined in the Working Group Guidelines[28].	Full Consensus

[26] It was decided that this level of designation be used for recommendations 1 & 2 because a specific action will be required to remove acronyms of RCRC and IGO identifiers from the current Specification of 5 of the new gTLD Registry Agreement.

[27] The WG participants that supported this proposal represent a number of additional IGOs that favor this position; for further reference, see the IGO's Minority Statement in the Minority Positions supplement (A - IGO-INGO Minority Positions).

[28] This WG experienced a possible limitation in the currently defined Consensus Levels when assigning "Divergence" to recommendations regarding acronym protections (see recs. #1 and #2 of the General Recommendations now assigned with "Consensus Against"). The use of "Divergence" did not adequately represent the lack of support for the proposed recommendation when said recommendation was stated in the affirmative, for example "Do you support..?". The Chair was equally concerned about not adhering to current Working Group Guidelines could introduce risk to the process, because "Consensus Against" is not formally defined. Note this recommendation for an SCI review was not part of the formal consensus call within the WG, but full support was determined via WG conference calls.

3.6 Unsupported Proposals

The following protection proposals did not achieve a sufficient level of support among the WG (i.e., did not receive at least 'strong support with significant opposition'). A rationale is provided for each.

On the next few pages, the proposals listed per organization seeking protection were originally used during the consensus call and did not receive adequate support to submit as a recommendation. Essentially, any of the proposals that refer to acronym protection are addressed within the first and second General Recommendations (#1 & #2) in Section 3.5. They are placed here as an aid to consider all the protections considered for each organization. The IOC is not listed because their set of recommendations received consensus levels of support.

3.6.1 Red Cross Red Crescent Movement:

#	Proposal	Level of Support
○ **Scope 1 Identifiers**: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ **Scope 2 Identifiers**: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)***		
1	**Top-Level** protections of Exact Match, Full Name Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence[29] The WG had established the eligibility criteria as based on the GAC advice and thus defined the the Scope 2 names which were not included within GAC advice
2	**Top-Level** protections of Exact Match, Acronym Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence ISO, ALAC, RySG, NCSG, IPC, ISPCP do not support Addressed via 3.5 General Recommendations #1&2 with "Consensus Against" on reservation protections of acronyms at top and second levels.
3	**Second-Level** protections of only Exact Match, Full Name Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement	Divergence[30] The WG had established the eligibility criteria as based on the GAC advice and thus defined the the Scope 2 names which were not included within GAC advice

[29] This specific recommendation was not a part of the formal consensus call because consensus was gauged from a general recommendation on acronyms and scope 2 identifiers.
[30] This specific recommendation was not a part of the formal consensus call because consensus was gauged from a general recommendation on acronyms and scope 2 identifiers.

#	Proposal	Level of Support
○ **Scope 1 Identifiers**: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ **Scope 2 Identifiers**: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)***		
4	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement	Divergence ISO, ALAC, RySG, NCSG, IPC, ISPCP do not support Addressed via 3.5 General Recommendations #1&2 with "Consensus Against" on reservation protections of acronyms at top and second levels.

3.6.2 International Olympic Committee:

All four recommendations for the IOC achieved consensus by the WG

3.6.3 International Governmental Organizations:

#	Proposal	Level of Support
○ **Scope 1 Identifiers**: GAC List[31] (22 March 2013) - Full Name (Language: Up to two languages) ○ **Scope 2 Identifiers**: GAC List (22 March 2013) - Acronym (Language: Up to two languages)		
1	**Top-Level** protections of Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence ISO, ALAC, RySG, NCSG, IPC, ISPCP, CBUC do not support The WG determined that reservation of acronyms would grant a right superior to that of non-governmental organizations or individuals.
2	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are placed in Specification 5 of the Registry Agreement	Divergence ISO, ALAC, RySG, NCSG, IPC, ISPCP, CBUC do not support The WG determined that reservation of acronyms would grant a right superior to that of non-governmental organizations or individuals.

[31] List of IGO Identifiers from GAC Advice: http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf

3.6.4 International Non-Governmental Organizations:

#	Proposal	Level of Support
○ **Scope 1 Identifiers**: ECOSOC List (General Consultative Status) (Language: English only) ○ **Scope 2 Identifiers**: ECOSOC List (Special Consultative Status) (Language: English only) *****Note, this list of Identifiers are INGOs other than the RCRC and IOC** See http://csonet.org/content/documents/E2011INF4.pdf		
1	**Top-Level** protections of Exact Match, Full Name Scope 2 identifiers of the *International Non-Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"	Divergence[32]
2	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Non-Governmental Organizations* are placed in Specification 5 of the Registry Agreement	Divergence RySG, NCSG, IPC do not support
3	**Second-Level** protections of only Exact Match, Full Name Scope 2 identifiers of the *International Non-Governmental Organizations* are placed in Specification 5 of the Registry Agreement	Divergence[33]
4	**Second-Level** protections of only Exact Match, Acronym Scope 1 (unless otherwise protected) & Scope 2 identifiers of the *International Non-Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse	Divergence RySG, IPC, ISPCP do not support; NCSG supports, but with some opposition within SG The WG had established the eligibility criteria as based on the GAC advice and thus defined the Scope 2 names which were not included within GAC advice

[32] This specific recommendation was not a part of the formal consensus call because consensus was gauged from a general recommendation on acronyms and scope 2 identifiers.
[33] This specific recommendation was not a part of the formal consensus call because consensus was gauged from a general recommendation on acronyms and scope 2 identifiers.

Alternative Qualification Criteria for INGOs (not including RCRC and IOC)) that was considered but not adopted by the WG:

The following criteria were considered as possible qualification criteria for INGOs which can demonstrate being granted privileges, immunities, or other protections in law on the basis of their quasi-governmental international status, public missions and legal protection for their names. While there was some support, the WG did not adopt these criteria. Some reasons included issues of potential subjectivity and the need for case-by-case evaluation.

1. The INGO benefits from some privileges, immunities or other protections in law on the basis of the INGO's proven (quasi-governmental) international status;
2. The INGO enjoys existing legal protection (including trademark protection) for its name/acronym in over 50+ countries or in three (of five) ICANN regions or alternatively using a percentage: more than 50% of the countries;
3. The INGO engages in recognized global public work shown by:
    a. inclusion on the General Consultative Status of the UN ECOSOC list, or
    b. membership of 50+ national representative entities, which themselves are governmental/ public agencies or non-governmental organizations that each fully and solely represent their respective national interests in the INGO's work and governance.

3.6.5 General Proposals:

#	Proposal	Level of Support
1	IGO-INGO organizations be granted a fee waiver (or funding) for objections filed against applied-for gTLDs at the Top-Level	Divergence RySG, IPC, ISPCP, BC do not support; NCSG supports, but with some opposition with the SG In general, opposition to this proposal recognized that the GAC will be able to file objections on behalf of IGOs, RCRC and IOC. It was also determined that if fee waivers were granted, other stakeholders will still subsidize the cost.
2	Fee waivers or reduced pricing (or limited subsidies) for registering into the Trademark Clearinghouse the identifiers of IGO-INGO organizations	Divergence IGO, ALAC, RySG, IPC, ISPCP do not support; NCSG Support, but with opposition The support for the recommendation(s) to bulk-add protected organizations into the TMCH reduced the need for this recommendation. Further, subsidy of pricing extended an additional right over other TMCH participants.
3	IGO-INGOs allowed to participate in permanent Claims Notification[34] of each gTLD launch	Divergence IGO, ALAC, RySG, NCSG, IPC, ISPCP do not support Many members of the WG felt that extending permanent claims protections to IGO-INGOs granted additional rights.
4	Fee waivers or reduced pricing for IGO-INGOs filing a URS or UDRP action	Divergence ALAC, RySG, IPC, ISPCP do not support; NCSG supports, but with some opposition within SG Subsidy of pricing extended an additional right over other TMCH participants.

[34] Present TMCH implementation of the Claims Notification service is defined to last for at least a 90 day period. WG deliberations considered, but eventually reject the notion of a permanent notification service to compensate where a reserved name protection may not be granted. Permanent notification is defined as a notification services that exists indefinitely.

3.7 Implementation Considerations of Recommendations on Incumbent gTLDs

This section suggests some implementation principles for gTLDs delegated prior to 2012 if there are any consensus policies approved from this PDP.

From IGO-INGO Charter:

"…determine how incumbent registries should meet the new policy recommendations, if any."

Scope and Assumptions:

- Existing gTLDs Only (Delegation pre-2012)
- Only second-level proposed protection recommendations apply
- Assumes that the present WG recommendations are supported and adopted for new gTLDs

Principles of Implementation[35]:

- Any policies adopted for new gTLDs shall apply equally to existing gTLDs to the extent they are relevant (for example second-level IGO-INGO protections utilizing TMCH, sunrise, claims will not apply) and do not infringe on the existing rights of others.
- An Implementation Review Team (IRT) should be formed to collaborate as required with ICANN staff and the GNSO Community to implement applicable consensus policies for incumbent gTLDs.
- For clarification purposes, second-level names matching a protected identifier, as identified via any consensus policies defined here, and that are not registered within an existing gTLD, shall be immediately reserved from registration in the same manner as for new gTLDs.
- Due to the time lag between the date the Working Group and GNSO Council adopts recommendations, if any, and the date the recommendations are implemented, there is a possibility of front-running, whereby some identifiers not previously registered could be registered by parties before the policy is in effect. A mechanism to guard against front-running should be defined, such as establishing the date these recommendations were adopted by the Working Group or GNSO Council as the measurement date that determines how a domain name matching a protected identifier is treated. This should be implemented as soon as practically possible.
- A second-level registration within an existing gTLD that matches a protected identifier, as identified via any consensus policies defined here, and the registration of said name, if registered prior to implementation of protections or any such cutoff date as may be determined, shall be handled like any existing registered name within the incumbent gTLD regarding renewals, transfers, sale, change of registrant, etc.

[35] At the time of this report, the WG awaits specific feedback with regards to the principle of implementation. To make athe specific deadline, the WG agrees to refer these principles to the Implementation Review Team.

- The previous point notwithstanding, if a second-level name that matches a protected identifier, as identified via any consensus policies defined here, it may not be transferred to a new registrant after expiration under registration agreement terms which would otherwise allow a registrar to, on its own accord, auction, sell or otherwise effect a change of registrant. Such registrations, if not renewed by the Registrant at Expiration (as defined in the Expired Registration Recovery Policy) must be deleted by the registrar after the termination of any renewal grace periods. At the time the name completes eligible grace periods and becomes eligible for deletion, the name shall not be reallocated by the Registry and shall be deemed ineligible for registration per the defined policy.
- Where policy changes to recover protected identifiers of registered second-level names within an existing gTLD deviate from current policy, registry & registrar indemnification should be considered.
- For clarification purposes, second-level names matching a protected identifier that are also registered by a party other than the protected organization and bad faith use vis-à-vis the protected organization is suspected, the protected organization may have access to RPMs like the UDRP, pending a PDP to address how the IGO-INGO organizations may access RPMs.

3.8 Proposed Options for Exception Procedure

The WG developed two high-level options for exception procedures that are not necessarily mutually exclusive and requested feedback on these options in the public comment period.

Option 1

Goal: Where a potential registrant claims a legitimate interest in a second-level domain name that is reserved from registration in the Registry Agreement, the goal is to provide a procedure for determining whether the application should proceed to registration[36].

General Principles - The procedure must:

- Provide immediate notification to the applicant and the protected organization when a registration request is refused registration because an identifier is protected;
- Provide a channel of communication between the applicant and the protected organization, including for purposes of any assessment an agreement which may be forthcoming from the protected organization itself at first instance;
- Provide an objective, expeditious, and inexpensive process for determining if the applicant has a legitimate interest so that its registration request can proceed to registration;
- Use existing dispute resolution procedures where possible.

Outline of Proposed Procedure:
This procedure had been developed at a time when the WG's recommendations were not formulated. The WG notes that implementation of an exception procedure will require further development that aligns with any adopted recommendations for protection.

1. Notification of Conditional Refusal Based on Protected Name.
The potential registrant and protected organization will receive immediate electronic notification if an applied-for second level domain is conditionally refused registration because of a Protected Name on a Modified Reserved list or in the Clearinghouse if applicable.

2. Declaration of Legitimate Use.
Each protected organization must record and maintain accurate contact information with the Clearinghouse (or other coordinating body) designating a recipient and email address to be notified electronically.

[36] Some members have expressed concern with the operability of process-heavy exemption procedures that may have a great potential to impede rights and legitimate interests unduly. Further, misuse of licensing opportunities could be a potential issue as well.

- Within ten (10) days of receiving a conditional refusal, an applicant may file a declaration with the Registry. The declaration must identify the potential registrant accurately, provide accurate contact information, and state that the potential registrant has a good faith, legitimate interest in using the domain name that does not violate any treaties, national laws or other legal entitlement of the protected organization. A standard form will be provided. The protected organization will receive a copy of the declaration electronically at its given address when the declaration is filed with the Registry.
- If, within ten (10) days after receipt of the above declaration, the protected organization does not file an objection with the Registry, the subject application will proceed to registration.
- If, within ten (10) days after receipt of the above declaration, the protected organization files an objection with the Registry, the conditional refusal will be reviewed by an independent examiner (definition and implementation still to be considered).

3. Examination.
The examination procedure must comply with the principles above. It must:

- Be objective;
- Give both parties the opportunity to be heard;
- Be expeditious; and
- Be inexpensive; and
- Use existing processes whenever possible.

Option 2

Goal: Where a potential registrant claims a legitimate interest in a second-level domain name that is reserved from registration in the Registry Agreement, the goal is to provide a procedure for determining whether the application should proceed to registration.

General Principles: The procedure must:

- Provide immediate notification to the potential registrant and the protected organization when a registration request is refused registration because a name is protected;
- Provide a channel of communication between the potential registrant and the protected organization, including for purposes of any assessment an agreement which may be forthcoming from the protected organization itself at first instance;
- Provide an objective, expeditious, and inexpensive process for determining if the applicant has a legitimate interest so that its registration request can proceed to registration;
- Use existing dispute resolution procedures where possible.

Outline of Proposed Procedure:

An entity with a name in the Clearinghouse Model could be allowed to register that name if the entity committed to prevent confusion with the corresponding protected IGO/INGO identifier.

4. Deliberations of the Working Group

The Protection of IGO and INGO Identifiers in all gTLDs WG began its deliberations on 31 October 2012 by reviewing the WG Charter which is included in Annex 1 of this report. The team also prepared a work plan[37], which was reviewed on a regular basis. It outlines key deliverable work products used in research and analysis of the issues defined in the charter as well as how charter issues were handled. In order to facilitate the work of the constituencies and stakeholder groups, a template was developed that was used to provide input in response to the request for constituency and stakeholder group statements (see Annex 3). This template was also used to solicit input from other ICANN Supporting Organizations and Advisory Committees early on in the process. Section 5 of this report provides the community input responses and a short summary.

4.1 Initial Fact-Finding and Research

In addition to soliciting community input, the WG formed five sub-teams to conduct an analysis of the nature of the problem, qualification criteria, eligibility process, admissions, and protections. A matrix[38] was developed to document the attributes of each analysis with comparisons across the four groups of organizations (i.e., IGOs, RCRC, IOC, and other INGOs) seeking protection. In addition, ICANN's General Counsel Office (GCO) was requested to research and report whether it is aware of possible legal prohibitions with respect to registration of domains using the identifiers of these organizations. The next five sub-sections will provide details of each sub-team's findings followed by a summary from the GCO.

4.1.1 Nature of the Problem

This sub-team's task was to review the specific problems that would be addressed if any protections were to be implemented. Sub-topics reviewed included costs of combating infringement and abuse, infringement on public good, discussion of existing Rights Protection Mechanisms (RPMs) and/or due process in applicable law. In principle, it is understood by all WG members that use of domain

[37] IGO-INGO WG Work Plan: https://community.icann.org/display/GWGTCT/Work+Plan+Drafts
[38] Analysis Matrix: https://community.icann.org/display/GWGTCT/IGO-INGO+Work+Package+Drafts

names with malicious intent is a recognized problem within the DNS. However, views on the degrees of harm suffered by the organizations seeking protection varied in the WG's deliberations. One view discussed whether such harm needed to be first proved prior to granting any protections or whether it was sufficient to only presume harm. Conversely, views were expressed that whether the harms exists is not relevant, but when harm is detected, resources that would otherwise be earmarked for an organization's public interest mission are otherwise diverted to deal with such harm.

As mandated by the Charter and in order to provide more information to aid the WG's deliberations for this issue of establishing qualification criteria for special protection of international organization identifiers, the WG asked representatives from the IOC, RCRC and IGOs to provide evidence of abuse of their respective organization's identifiers by third-party domain name registrations. A series of content sources came from prior policy reports, direct submissions from organizations seeking protection and WG analysis tools. Links to the submissions reviewed can be found at the IGO-INGO Wiki Page[39]. Concurrently, ICANN staff also compiled a sampling of domain name registrations[40] of RCRC, IOC and IGO identifiers.

4.1.2 Qualification Criteria

The Qualification Criteria (QC) sub-team reviewed qualitative and quantitative attributes of how organization(s) may qualify for protections of their respective identifiers. Such attributes include how the organizations in question are protected by treaty or national law, and whether the quantity of jurisdictions providing protection had relevance to the scope and limitations of protection mechanisms. Access to current RPMs, not-for-profit status, nature of public mission, and duration of existence were other attributes explored.

The overall intent of the WG was to establish a set of objective criteria that was also stringent enough to appropriately limit the number of organizations that may qualify. WG deliberations

[39] Abuse evidence: http://community.icann.org/pages/viewpage.action?pageId=40931994
[40] Sampling of registrations: http://community.icann.org/display/GWGTCT/IGO-INGO+Registration+Evaluation+Tool

regarding qualification criteria confirmed that it was not possible to develop a single set of criteria applicable to all four types of organizations that most WG members would support. While being different from each other in many respects, the IOC and RCRC may be differentiated from other INGOs on the basis of the unique legal protections they and their respective designations are afforded under a framework of international treaties and national laws in multiple jurisdictions. IGOs have been differentiated from INGOs on the basis of the types of legal protections they are afforded.

With the GAC's advice in its Beijing Communiqué, the scope of special protections for IGOs combined with the special protections previously provided to the IOC and RCRC became much more defined. However, as of the date of the Beijing Communiqué, the issue of possible special protections for INGOs other than the RCRC and IOC had not been addressed outside of the PDP WG and so, as mandated by the WG Charter, it was deliberated on. Entry on the Economic and Social Council (ECOSOC) list was the latest criterion considered for recommendations by the WG; all alternatives are provided later in this report.

4.1.3 Eligibility Process

The Eligibility Process sub-team sought to delineate and understand who would be tasked with determining whether an organization seeking special protections would meet the specified qualification criteria, and how this process would take place. Initial discussions leaned toward a neutral entity that would make such determinations, but the sub-group again stressed the importance of an objective set of qualification criteria. Ultimately it was determined, eligibility for protections was tightly coupled with qualification criteria and, if any special protections were to be implemented, likely exception procedures would have to be created.

4.1.4 Admissions

Essentially, the Admissions sub-team was tasked to determine if additional criteria to be afforded protections were needed after an organization met the qualification criteria and eligibility checks. Deliberations among the sub-team revealed the challenge of balancing various criteria versus categories of criteria defined in the previous sections. The sub-team concluded that admissions are

tightly coupled to qualification criteria and the eligibility process and noted this distinction was not necessary.

4.1.5 Protections

The last sub-team was formed to review the types of protections that may be available to IGOs and INGOs. The following preventative and curative protection mechanisms were reviewed:

- Reserved Names list: is classified as a preventative mechanism whereby predetermined strings are placed on a list from which no such string is available for registration. Existing registry agreements have varying rules of reservation within the Schedules of Reserved Names. The New gTLD Registry Agreement contains a Specification 5, also titled "Schedule of Reserved Names," that was established as a reserved names template for the large quantity of new gTLDs anticipated for delegation. With respect to reservations at the top-level, the Applicant Guidebook also contains a series of strings that are reserved or ineligible for delegation.
- Modified Reserved Names list: is essentially the same as the Reserved Names list mentioned above, however, an exemption procedure at both the top and second levels may be required to allow for registration by the organization seeking protection or a legitimate rights holder to the same string. The nomenclature of "Modified Reserved Names list" is a concept not currently implemented as it is used in this context. However, for the gTLDs that are already delegated and that have a Schedule of Reserved Names, the Registry Services Evaluation Process (RSEP) can be utilized to gain approval for allowing registration of a string, resulting in this modified list. Additionally, existing registry agreements have an exception procedure for 2-character second-level names, which also utilizes the RSEP.
- Trademark Clearinghouse, Sunrise, and Claims: are a series of new Rights Protection Mechanisms (RPMs) designed for the New gTLD Program. They are viewed as preventative measures in protecting word marks. These are currently being implemented to support second-level registration of strings upon a new gTLD's delegation. Note that as part of the recommendation options presented in this Initial Report, the term "Clearinghouse Model" is used in the context of the likely need for similar features of the TMCH, but also available for use by IGOs and INGOs that typically do not have registered trademark names.

- UDRP and URS: Uniform Dispute Resolution Process (UDRP) and Uniform Rapid Suspension (URS) are additional RPMs that are considered curative measures and used only after the registration of a domain name. Both RPM mechanisms will be available with the new gTLDs.
- Do not sell lists: contain names blocked from registration according to the internally defined policy of the Registry Operator of a given gTLD. Some applicants are choosing to deploy additional protections for certain types of names, but only as defined by their respective Registry policies.
- Limited Preventative Registrations: a proposed mechanism that has been considered for trademark owners to prevent second-level registration of their marks (exact matches, plus character strings previously determined to have been abusively registered or used) across all gTLD registries, upon payment of a reasonable fee, with appropriate safeguards for registrants with a legitimate right or interest.

4.1.6 Summary of ICANN's General Counsel's Office Survey

Parallel with the activities mentioned above, the Charter required the WG to evaluate the scope of existing protections under international treaties and national laws for IGO, INGO, RCRC and IOC Names. In order to do so, the WG requested ICANN's General Counsel to conduct research and report on whether ICANN is aware of any jurisdiction in which a statute, treaty or other applicable law prohibits either or both of the following actions by or under the authority of ICANN:

a) the assignment by ICANN at the top level, or
b) the registration by a registry or a registrar accredited by ICANN of a domain name requested by any party at the second level, of the name or acronym of an intergovernmental organization (IGO) or an international non-governmental organization (INGO) receiving protections under treaties and statutes under multiple jurisdictions

The WG requested the General Counsel to specify the jurisdiction(s) and cite the law if the answer to either of these questions was affirmative.

Eleven jurisdictions from around the globe were surveyed, representing jurisdictions from all five ICANN geographic regions. The trend found in the General Counsel's Research Report is that "there are few, if any, jurisdictions sampled that have specific laws addressing ICANN, a registry or a registrar's role in the delegation of top-level domains or in the registration of second-level domains.

Only one jurisdiction (Brazil) was found to have a statute that placed a direct prohibition on the registration of IOC- or FIFA-related domain names, though the roles of gTLD registries/registrars are not specifically identified in the statute. However, the fact that statutes do not directly mention domain names cannot be taken to mean that ICANN, a registry or a registrar is exempt from liability if there is an unauthorized delegation at the top-level or registration at the second-level of a domain name using the name or acronym of the International Olympic Committee (IOC), the Red Cross/Red Crescent movement (RCRC), or Intergovernmental Organizations (IGOs) that are provided protection within each jurisdiction."

The research also found that, "nearly all of the sampled jurisdictions (representing all ICANN geographic regions) provide protections to the IOC and/or the RCRC for the use of their names and acronyms, and those protections are often understood to apply to domain names. The exact terms that are protected in each jurisdiction vary. While it appears rare (other than in the case of Brazil) to have a specific prohibition for domain name registration enumerated, there does seem to be potential bases for challenges to be brought with respect to domain name registration, including potential challenges to registry operators or registrars for their roles in the registration chain." "For the names and acronyms of IGOs, ICANN's research focused on whether any special status afforded to those names and acronyms by virtue of the protection granted by Article 6ter(1)(b) of the Paris Convention could serve as a basis for liability. While this focus of research may not identify if there are individual IGOs for which a country has elected to provide heightened protections (outside of their 6ter status), this research provides insight to the status afforded to IGOs that can be objectively identified by virtue of their inclusion on the 6ter list. Many countries afford special protection to those IGOs listed on the 6ter, though there is often a registration, notice process, or member state limitation required through which each jurisdiction develops a list of the specific IGOs that it will recognize for protection. Therefore, among the jurisdictions where IGOs are provided heightened protection, the list of IGOs eligible for protections may not be uniform. With regard to our research related to IGOs and INGOs other than the RCRC and IOC, the research did not identify any universal protections that could be made applicable for IGOs or INGOs."

"In nearly every jurisdiction, whether or not special protection exists for the IOC, RCRC or IGOs, there always remains the possibility that general unfair competition or trademark laws can serve as

a basis for challenge to a specific delegation of a top-level name or the registration of a second-level domain name at any level of the registration chain."

A copy of the General Counsel's Research Report is included in Annex 5.

4.2 Working Group Charter Deliberations

Charter Issue 1

Whether there is a need for special protections at the top and second level in all existing and new gTLDs for the names and acronyms of the following types of international organizations: International Governmental Organizations (IGOs) protected by international law and multiple domestic statutes, International Non-Governmental Organizations (INGOs) receiving protections under treaties and statutes under multiple jurisdictions, specifically including the Red Cross/Red Crescent Movement (RCRC), and as the International Olympic Committee (IOC). In deliberating this issue, the WG should consider the following elements:

- Quantifying the Entities to be Considered for Special Protection
- Evaluating the Scope of Existing Protections under International Treaties/National Laws for IGO, RCRC and IOC Names
- Establishing Qualification Criteria for Special Protection of International Organization Names
- Distinguishing Any Substantive Differences Between the RCRC and IOC From Other International Organizations

This issue was first addressed by the request for legal research as noted in Section 4.1 and Annex 5. Secondly, the WG performed the critical task of reviewing the qualification criteria which is documented in the work package mentioned in Section 4.1. It became evident from the WG deliberations that it was not possible to develop a single framework of qualification criteria that most of the WG would support given the different nature of IGOs, the RCRC, IOC and other INGOs. Further, the WG determined that the IOC and RCRC did differ from other INGOs given their unique legal standing compared to other INGOs. The scope of the qualification criteria for IGOs became defined and quantified by the list of IGO organizations eligible for protection submitted by the GAC; and for the RCRC and IOC by both the GAC's and ICANN Board's recognition of the international

legal protections for the IOC and RCRC. Conversely, as noted in the proposed recommendations, other INGO organizations have a set of proposed qualification criteria that relate to the ECOSOC list.

Charter Issue 2

If there is a need for special protections at the top and second level in all existing and new gTLDs for certain international organization names and acronyms, the PDP WG is expected to develop policy recommendations for such protections. Specifically, the PDP WG should:

- Determine whether the current special protections being provided to RCRC and IOC names at the top and second level of the initial round of new gTLDs should be made permanent for RCRC and IOC names in all gTLDs and if not, develop specific recommendations for the appropriate special protections for these names.
- Develop specific recommendations for appropriate special protections for the names and acronyms of all other qualifying international organizations.

This charter issue has been addressed by the WG's creation and deliberation about the issues identified in the IGO-INGO Protection Matrix tool[41] and using other work products which can be found on the ICANN Wiki. Details of the proposed recommendation options can be found in Sections 5 below.

[41] IGO-INGO Protection Matrix: https://community.icann.org/display/GWGTCT/IGO-INGO+Protections+Matrix

5. Background

This section contains a sequential description of the key events of the IGO-INGO WG. For a detailed background and history of the issue prior to the initiation of this PDP, please see the Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs [42] ("Final Issue Report"). The Issue Report was initiated as a result of a recommendation by a 2012 Drafting Team formed to provide a GNSO response to the GAC request on the Protection of IOC and RCRC names[43]. After community review, the scope of the Final Issue Report included an evaluation of whether to protect the names of both intergovernmental and non-governmental organizations at the top level and second level in all gTLDs.

Upon receiving the Final Issue Report, the GNSO Council approved a motion to initiate a Policy Development Process for the protection of certain International Organization Names in all gTLDs. The PDP Working Group was formed 31 October 2012 and its Charter was approved by the GNSO Council on 17 November 2012.[44]

At its 26 November 2012 meeting, the ICANN Board's New gTLD Program Committee ("NGPC") adopted a resolution to protect, on an interim basis, certain IGO names and acronyms based on .int registration criteria at the second level of the initial round of new gTLDs, by including these names on the Reserved Names list; and for the GNSO to continue its policy development efforts on the protection of IGO names. It also requested advice from the GNSO Council about whether to include second-level protections for certain IGO names and acronyms by inclusion on a Reserved Names List as presented in section 2.2.1.2.3 of the Applicant Guidebook for the initial round of new gTLDs.[45]

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[42] Final Issue Report: http://gnso.icann.org/en/node/34529. Further background information in this regard may be found in the various submissions made to the Working Group by various IGOs, the IOC and the RCRC
[43] IOC / RCRC Protection DT Archive: http://gnso.icann.org/en/group-activities/active/ioc-rcrc
[44] The GNSO Council Resolution for IGO-INGO PDP initiation: http://gnso.icann.org/en/council/resolutions#20121017-2
[45] The ICANN Board Resolution and Rationale for the Protection of IGO names are posted at: http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-26nov12-en.htm

At the same meeting, the NGPC also adopted a resolution regarding the protection of RCRC and IOC names. The NGPC resolved that restrictions on the registration of RCRC and IOC names for new gTLDs at the second level (i.e., the IOC and RCRC names listed in the Reserved Names List under section 2.2.1.2.3 of the Applicant Guidebook applicable in all new gTLD registries approved in the first round of the New gTLD Program) will be in place until such time as a policy is adopted that may require further action.[46]

On 20 December 2012, the GNSO Council adopted a resolution accepting the Drafting Team's recommendation to provide special protection for RCRC and IOC names at the second level of the initial round of new gTLDs in a manner consistent with the Board resolution to protect such names.[47]

In response to the ICANN Board's request for advice on the protection of IOC/RCRC names, on 31 January 2013 the GNSO Council Chair sent a letter with its advice on this issue[48] to the ICANN Board and GAC. Although the GNSO Council did not dispute the advice provided by the GAC, it also recognized that the issue exceeded the scope of implementation by ICANN and required further policy development for a long-term approach/solution.

On 28 February 2013, the GNSO Council sent a letter[49] to the ICANN Board in response to the Board's request for advice on the temporary protection of IGO and INGO names in the first round. The GNSO Council made reference to the temporary protections of the IOC and RCRC names, and noted that the IGO-INGO PDP WG had not completed its work. The letter also noted a minority position that the global public interest could possibly be harmed by such temporary protections for IGO identifiers. The Council advised that the Working Group assigned to this issue will maintain its

[46] The ICANN Board Resolution and Rationale for the Protection of IOC/RCRC names are posted at: http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-26nov12-en.htm#1
[47] The GNSO Council Resolution for the Protection of IOC/RCRC names: http://gnso.icann.org/en/council/resolutions#201212
[48] GNSO Council letter of advice to the ICANN Board and GAC: http://gnso.icann.org/en/correspondence/robinson-to-dryden-31jan13-en.pdf
[49] GNSO Council letter of advice to the ICANN Board: http://gnso.icann.org/en/correspondence/robinson-to-crocker-chalaby-28feb13-en.pdf

sense of urgency to develop policy recommendations which the GNSO can provide to the ICANN Board with respect to the protection of names and identifiers of IGOs.

On 22 March 2013, the GAC submitted to the Board a list of 195 IGO names and acronyms to be protected at the second level in the first round of new gTLDs, and also indicated that the scope of languages for the names and acronyms to be protected remained to be determined.[50]

During the ICANN Board/GAC joint session on 9 April 2013 in Beijing, the Board flagged a number of issues still to be addressed with regard to the protection of IGO identifiers, including languages to be protected and the mechanism envisaged for any periodic review of the list. The Board also expressed concern that certain acronyms listed for special protection include common words, trademarked terms, acronyms used by multiple organizations, and acronyms that are problematic for other reasons. The Board requested that the GAC clarify its advice with regard to the specific languages to be protected and the mechanism envisaged for any periodic review of the list, and flagged for consideration the issue of acronyms for which there may be competing claims. The Board indicated that clarification would be required to permit the Board to implement the GAC advice.[51]

In its 11 April 2013 Beijing GAC Communiqué, the GAC reiterated its advice to the ICANN Board that "appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch," and noted that it "is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN staff to find a workable and timely way forward pending the resolution of these implementation issues."

With regard to the RCRC and IOC names, the GAC advised the ICANN Board to amend the provisions

[50] See Letter and Annexes from Heather Dryden to Steve Crocker and Cherine Chalaby:
http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-22mar13-en
http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex1-22mar13-en.pdf
http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf
[51] See Letter from Steve Crocker to Heather Dryden on IGO Name Protection:
http://www.icann.org/en/news/correspondence/crocker-to-dryden-01apr13-en.pdf

in the new gTLD Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs[52]. The New gTLD Program Committee accepted the GAC advice. The proposed final version of the Registry Agreement, adopted 2 July 2013, included protection for an indefinite duration for IOC/RCRC names. Specification 5 of the Registry Agreement includes a list of names (provided by the IOC and RCRC Movement) that "shall be withheld from registration or allocated to Registry Operator at the second level within the TLD."

On 14 June 2013, the IGO-INGO Working Group submitted its Initial Report[53] on the protection of IGO-INGO identifiers for a 42 day public comment period. While the Working Group (WG) received several comments on the topic of protections for certain organizations, all the contributions received were from members of the IGO-INGO WG and as such the nature of those comments had already been discussed within the WG. The WG agreed that a review of the submissions, as shown in the public comment review tool, did not add new information to what was already considered by the members. Further, the Initial Report did not contain any formal policy recommendations and it was understood that a public comment period would be opened for the draft Final Report. Therefore, no summary of comments was provided for the IGO-INGO Initial Report. For an accurate reflection of positions submitted by WG members, please see their response in the archive.[54]

In parallel to the public comment period for the Initial Report, the IGO-INGO WG hosted two face–to-face sessions in Durban for the ICANN 47 meeting (mid-July 2013). These WG meetings were used to discuss issues uncovered since the submission of the Initial Report and to also prepare for a session which utilized professional facilitators to conduct a planned interactive session to discuss the remaining critical issues that the WG faced. This session was intended to 1) raise awareness of why this issue is important and provide transparency on WG deliberations/contrasting positions to date;

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[52] Beijing GAC Communiqué: https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

[53] IGO-INGO Initial Report: http://gnso.icann.org/en/issues/igo-ingo-initial-14jun13-en.pdf

[54] Initial Report – Public Comment Page: http://www.icann.org/en/news/public-comment/igo-ingo-initial-14jun13-en.htm

and 2) facilitate interactive discussion and solicit feedback from the community on key outstanding issues to help guide the WG in moving forward. However, very few community members participated in the interactive session thus producing little new information or suggestions to advance the WG's deliberations. As a result, the WG continued to refine its recommendations in preparation of the draft Final Report.

Prior to the Durban meeting in July 2013, the NGPC passed a resolution[55] that confirmed that appropriate preventive initial protection for the IGO identifiers, as a response to the GAC advice will continue to be provided as presented in the New gTLD Registry Agreement. Since then, the Registry Agreement[56] for New gTLDs has been approved by the NGPC and it can be found on the new gTLD site. The Registry Agreement continues to include a reference in Specification 5 to the reservations of IOC, RCRC, and IGO names, noting that the list of the reserved names is located in the Registries[57] section of ICANN.org. It should also be noted that the NGPC passed another resolution[58] extending these initial protections until the first meeting of the NGPC following the ICANN 48 Meeting in Buenos Aires or until the NGPC makes a further determination on the IGO GAC Advice, whichever is earlier.

The NGPC adopted temporary protections for acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR) at its most recent meeting on 10 September 2013. Also at the meeting, the NGPC agreed to accept the GAC's advice to continue working on a mechanism to protect the IGO acronyms. Refer to the Durban Scorecard[59].

[55] NGPC Resolution 2 July 2013: http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm
[56] New gTLD RA: http://newgtlds.icann.org/en/applicants/agb/base-agreement-contracting
[57] IOC, RCRC, IGO Reservation list: http://www.icann.org/en/resources/registries/reserved
[58] NGPC Resolution 17 Jul 2013: http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-17jul13-en.htm
[59] Durban Scorecard: http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-10sep13-en.pdf

The IGO-INGO WG submitted for public comment its draft Final Report[60] which contained the proposed recommendations and the WG's Chair assessment on the levels of consensus. Upon closure of the public comment period (1 Nov 2013), the WG review the public comments and determined changes to the Final Report as approved by the WG.

On 2 October 2013, the NGPC sent a letter[61] to the GAC Chair regarding the GAC advice on the protection of IGO acronyms. The letter responded to GAC advice about a cost-neutral mechanism that would provide notification to an IGO when a Registrant registered a domain name matching the protected acronym identifier and to allow for a third party review of such a registration request. The draft proposal submitted to the GAC contained reference to designated acronyms being entered into the Trademark Clearinghouse and use of the 90 day Claims Notification Service. The proposal also discussed the use of a dispute resolution mechanism, the URS.

The IGO Coalition sent a response[62] to the GAC about the NGPC proposal on 4 November 2013. The letter expressed reservations about the NGPC proposal stating that it did not create a presumption of protection and at best only curative and not preventative.

[60] IGO-INGO WG Draft Final Report PC: http://www.icann.org/en/news/public-comment/igo-ingo-final-20sep13-en.htm
[61] NGPC Letter to GAC Chair: http://www.icann.org/en/news/correspondence/crocker-to-dryden-02oct13-en.pdf
[62] IGO Coalition Letter to GAC: http://www.icann.org/en/news/correspondence/igo-coalition-to-gac-01nov13-en.pdf

5.1 Protections Available to IGOs and INGOs Under the Current Version of the Applicant Guidebook (AGB)

In addition to the protections adopted by the ICANN Board for the IOC and RCRC names at the top level under section 2.2.1.2.3 of the Applicant Guidebook, there are existing protections available to other entities under the New gTLD Program which may also be available to international organizations.[63] In providing further details below, it is noted that some of these existing protections may not be applicable or satisfactory for all international organizations.

Top-Level Protections

Information on applied-for strings was made publicly available after the close of the application window for the initial round of new gTLDs. Any party, including international organizations, had the ability to review the applied-for strings to determine if any raise concerns, and had the opportunity to avail themselves of the objection processes if the applied-for string infringed on specific interests set out in the Applicant Guidebook "AGB", which include:

- Infringement of legal rights, particularly intellectual property rights;
- Approval of new TLDs that are contrary to generally accepted legal norms of morality and public order as recognized under principles of international law; and
- Misappropriation of community names or labels.

In addition, an Independent Objector was appointed, and had the ability to file objections in certain cases where an objection was not already made to an application that might infringe on the latter two interests listed above. The goal was for the Independent Objector to act solely in the best interest of the public. The Independent Objector did not, however, have the ability to bring an objection on the grounds of infringement of intellectual property rights.

[63] The latest Guidebook is posted at: http://newgtlds.icann.org/en/applicants/agb Supporting documentation is available through the "New Generic Top Level Domains" button at www.icann.org

The legal rights objection includes a specific ground for objection that may be applicable to many IGOs. An IGO was eligible to file a legal rights objection if it meets the criteria for registration of an .INT domain name. See Applicant Guidebook, section 3.2.2.2[64]. Those criteria include:

- a) An international treaty between or among national governments must have established the organization; and
- b) The organization that is established must be widely considered to have independent international legal personality and must be the subject of and governed by international law.

The specialized agencies of the UN and the organizations having observer status at the UN General Assembly are also recognized as meeting these criteria. In addition, going forward, if a holder of a mark can demonstrate that its mark is protected by statute or treaty, the mark holder may also avail itself of the Post-Delegation Dispute Resolution Procedure (PDDRP) in cases where it appears that a registry (at the top level) is affirmatively infringing the complainant's mark. It should be noted that IGO names and acronyms may or may not be considered a mark that would meet the eligibility requirements to utilize the PDDRP. More information on the PDDRP is available in the Applicant Guidebook.[65]

Second-Level Protections

Through the Trademark Clearinghouse, mark holders will have the opportunity to register their marks in a single repository that will serve all new gTLDs. Currently, trademark holders go through similar rights authentication processes for each separate top-level domain that launches.

New gTLD registries are required to use the Trademark Clearinghouse in two ways. First, they must offer a "sunrise" period – a pre-launch opportunity for rights holders to register names in the new gTLD prior to general registration. Second, a Trademark Claims service will notify rights holders of domain name registrations that match records in the Clearinghouse for a period of time at the beginning of general registration.

[64] Applicant Guidebook: http://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf
[65] PDDRP Section of Applicant Guidebook: http://newgtlds.icann.org/en/applicants/agb/pddrp-04jun12-en.pdf

Word marks that are protected by a statute or treaty are eligible for protection through the mandatory Trademark Claims process and Sunrise protections in the New gTLD Program under the Trademark Clearinghouse. In addition, any word mark that has been validated through a court of law or other judicial proceeding is also eligible.

The Trademark Clearinghouse will support increased protections, as well as reduce costs for mark holders. In the case of IGOs and INGOs, to the extent they are not considered word mark holders, any such benefits of the Trademark Clearinghouse may not apply. The PDDRP also affords protection for activity at the second level. At the second level the PDDRP provides an avenue whereby mark holders can file a dispute against a registry, rather than a registrant, if through a registry's affirmative conduct there is a pattern or practice of the registry's bad faith intent to profit from the sale of infringing names and the registry's bad faith intent to profit from systematic registration of names infringing the complainant's mark.

The New gTLD Program also affords mark holders a new form of alternative dispute resolution for clear-cut cases of abuse by domain name registrants. The Uniform Rapid Suspension System (URS) is a streamlined version of the Uniform Domain Name Dispute Resolution Policy (UDRP) process, providing trademark holders a quicker and simpler process through which infringing registrations at the second level can be "taken down." IGOs, which are in general not "trademark holders", do not generally benefit from access to this mechanism, except in cases where their names are trademarked.

6. Community Input

6.1 Request for input from GNSO Stakeholder Groups and Constituencies

As required by the GNSO PDP Manual, a request for input was sent to all GNSO Stakeholder Groups and Constituencies at the end of January 2013. Contributions were received from the Non-Commercial Stakeholder Group, Registries Stakeholder Group and Internet Service Providers and Connectivity Constituency. Complete responses can be found at the IGO-INGO WIKI page: https://community.icann.org/pages/viewpage.action?pageId=40175441

6.2 Request for input from other ICANN Supporting Organizations and Advisory Committees

A request for input was sent to all ICANN Supporting Organizations and Advisory Committees at the end of January 2013. One contribution was received from the At-Large Advisory Committee. Complete responses can be found at the IGO-INGO WIKI page: https://community.icann.org/pages/viewpage.action?pageId=40175441

6.3 Summary of Community Input

Among the responses received, there was general agreement that there are substantive differences among the RCRC, the IOC, IGOs and other INGOs, as well as between IGOs and INGOs, which should be taken into account for determining what, if any, type of special protections are necessary and if so, what the qualifying criteria should be. With the exception of the NCSG, the other contributors generally agreed that amendments or modifications to existing Rights Protection Mechanisms (e.g. UDRP, URS) available under the new gTLD Program are probably necessary to adequately protect the interests of IGOs and INGOs in their identifiers. The NCSG believes that the existing RPMs are adequate in regard to demonstrated need.

The ALAC believes in general that if any special protections for IGOs and INGOs are to be provided, there must be real harms if the protections are not provided, and that the protections will actually help prevent such harms. In its response, the ALAC stated that special protection at the top level is generally not needed, and that if necessary, the current objection process could be modified to provide sufficient protection for IGOs and INGOs. With regard to the second level, the ALAC

believes that any protections at this level must be restricted to organizations that: 1) can demonstrate they have been subject to harms due to bad-faith attempts to use their names at the second level of existing TLDs; and 2) can demonstrate substantive harm to the public interest if their names are not protected in the future.

In its response the RySG stated the basic premise of the majority view that beyond the special protections for the RCRC and IOC adopted by the GNSO in its 20 December resolution, any other special protections are "inappropriate" for any select group of entities, and that existing RPMs along with any necessary modifications to make them available for IGOs and INGOs are sufficient.

The RySG response also included a Minority Position submitted by the Universal Postal Union, an IGO, which reflects and reiterates prior submissions made on behalf of IGOs. The Minority Position believes that special protections should be provided to the names and acronyms of IGOs because in their view: 1) IGOs are protected under international and domestic laws; 2) IGOs have a public mission and are funded by public money – therefore, any abuse of IGO names and acronyms that are remedied by fee-based curative mechanisms rather than preventive, comes at a cost to the public missions of IGOs; 3) existing RPMs which are trademark-based are insufficient in providing adequate protection for IGO identifiers; 4) GAC advice to protect IGO identifiers should be given appropriate weight and consideration.

The NCSG's position is that special protections should only be provided to those groups that are legitimately entitled to have a preference over other users of a domain name and are not able to protect their interest through existing measures because they lack legal protections. At the time the NCSG submitted its response, it believed that no specific harm has been demonstrated to a group that is unique to that group and therefore, no special protections should be provided.

The ISPCP stated its general position of not being in favour of "special protections," but recognized the GAC advice and therefore accepts that some type of protection may be granted. The ISPCP believes that no special protections are necessary at the top level. At the second level, the ISPCP's position is that only the exact match of an identifier in different languages should be protected for IGOs and INGOs created under an international treaty and ratified by a sufficient number of

countries. Such protections should be granted in all gTLDs, and there should be some mechanisms to allow legitimate right holders to register such identifiers.

6.4 Summary of International Organizations' Positions

The RCRC, IOC, and IGOs have well-documented their positions and respective rationales for providing protection to their identifiers in the top and second levels of gTLDs. These positions are summarized in the Final GNSO Issue Report on the Protection of International Organization Names in New gTLDs, and have been further elaborated upon through the mailing list of the PDP WG. Their respective positions are briefly summarized below.

6.4.1 Red Cross and Red Crescent

The RCRC cites the protection granted to the Red Cross and Red Crescent designations and names under universally agreed international humanitarian law treaties (the Geneva Conventions of 1949 and their Additional Protocols) and under the domestic laws in force in multiple jurisdictions, as establishing a *sui generis* case for permanent protection of the RCRC designations and names from third party registration at both the top and second level in all gTLDs. While expressing appreciation for the work produced by the WG, the RCRC maintain that the recommendations of the WG are insufficient and should be complemented.

The RCRC notably underlines that the existing protections, as currently defined in the Applicant Guidebook and in Specification 5 of the revised Registry Agreement, are not sufficient and should be made to expressly extend to (in the WG's own categorization: Scope 2 names or identifiers):

- the names of the respective components of the International Red Cross and Red Crescent Movement (i.e. the 189 recognized National Red Cross or Red Crescent Societies - e.g. German Red Cross, Afghan Red Crescent, Red Star of David, etc.). This protection is called for in both English and in the national and official languages of the National Societies concerned;
- the names of the two international components - the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) in the six UN languages, as well as the acronyms of the two Organizations in their commonly used translations.

- In as much, the RCRC have suggested that the recommendations of the Working Group be amended and revised to expressly foresee that
    - Top-Level protections of Exact Match, Full Name Scope 2 identifiers of the Red Cross Red Crescent Movement are placed in the Applicant Guidebook section 2.2.1.2.3 as Strings "Ineligible for Delegation";
    - Second-Level protections of only Exact Match, Full Name Scope 2 identifiers of the Red Cross Red Crescent Movement are placed in Specification 5 of the Registry Agreement;
    - For RCRC Scope 2 identifiers, if placed in the Applicant Guidebook or in Specification 5 of the Registry Agreement as strings "Ineligible for Delegation" at top or second levels, an exception procedure be created for cases where a protected organization wishes to apply for a protected string.

While the RCRC have taken note of the proposed recommendation to add the so-called Scope 2 names or identifiers to the Trademark Clearinghouse (TMCH), they have consistently maintained that this would not meet the requirements for protection under the law and would be liable to place an undue burden on the RCRC organisations to monitor and activate existing reactive procedures and mechanisms. They have also underlined that should the TMCH option be considered, a waiver of fees should be duly foreseen and the standing of the RCRC organizations in existing remedial mechanisms confirmed.

Finally, while citing the express prohibition on imitations of the Red Cross, Red Crescent and Red Crystal designations and names under international law and under the laws in force in multiple jurisdictions, the RCRC have expressed their continued support for the establishment of a mechanism or procedure to effectively address the issue of strings confusingly similar or liable to confusion with, or including, either of the RCRC designations or names.

6.4.2 International Olympic Committee

The IOC[66] also cites the *sui generis* protection granted to IOC identifiers under national laws in multiple jurisdictions (recognized by the GAC and the ICANN Board) as justification for establishing special permanent protection from third party registration of the IOC designations at both the top and second levels in all gTLDs; and that the IOC designations be available for registration by the IOC or its authorized international and national organizations through a Modified Reserved Names list.

6.4.3 International Governmental Organizations

The position of IGOs that special protections should be provided for IGO names and acronyms at both the top and second levels is summarized above in the Minority Position of the RySG submission. It is consistent with GAC advice on the need for protection of IGO names and acronyms against inappropriate third party registration, and with the Board's acknowledged need for appropriately implemented interim protection being in place before any new gTLDs would launch. IGOs do not believe finalization of the Working Group's deliberations, or any other Working Group which may be required to consider granting IGOs access to UDRP, URS, TMCH or other ICANN mechanisms would remain on-going.

6.4.4 International Non-Governmental Organizations

Some members of the WG have also advocated protections for certain INGOs (other than the IOC and the RCRC) that have recognized global public missions, extensively legally protected names, and protections in law granted on the basis of their (quasi-governmental) international status[67]. The International Organization for Standardization (ISO) has formally advocated that certain INGOs and IGOs with global public missions need special protection to counter the increasing potential for and on-going impact of cybersquatting; and thus there is a need to establish objective, non-discriminatory criteria for granting special protection which would also avoid unduly restricting rights and legitimate rights.

6.5 Public Comment Period – IGO-INGO WG Initial Report

[66] IOC 3029 Nov 2012: http://forum.icann.org/lists/gnso-igo-ingo/msg00133.html
[67] ISO Letter to Stephen Crocker 13 May 2013: http://forum.icann.org/lists/gnso-igo-ingo/msg00616.html

The IGO-INGO WG completed its Initial Report and submitted it for public comment on 14 June 2013[68]. Because consensus within the WG could not be easily determined at the time, the WG sought community input on the possible recommendations options listed in the Initial Report. It was understood that an additional comment period would be required for the WG's Final Report.

A total of ten comments were submitted. However, none of the comments submitted were external to the IGO-INGO WG meaning that the WG did not receive feedback from other stakeholders of the community. Having performed a cursory review of the comments, the WG determined that each comment essentially restated a position that was already well deliberated within the WG and that no new suggestions for protections were offered. A public comment review document was created and the Report of Public Comments was also created.

6.6 Public Comment Period – IGO-INGO WG Draft Final Report

The IGO-INGO WG completed its Draft Final Report and submitted it for public comment on 20 September 2013[69]. In preparation of the Final Report, a formal consensus call was performed outlining each of the stakeholders support or lack of support for the recommendations, which are presented in Section 3 of this report.

A total of twenty comments and two replies were submitted. The WG reviewed each of the comments extensively, especially with regards to the themes that the community did not generally support protections of acronyms and that deployment of these policies within incumbent gTLDs should not trump existing property rights of others. A Public Comment Review Tool (PCRT) document was created that outlines the WG's dialogue and any recommended actions to take on the Final Report. At the time of publication of this report, the Report of Public Comments was not created, but a link of it will exist within the Public Comment area foot-noted below.

[68] IGO-INGO Initial Report Public Comment: http://www.icann.org/en/news/public-comment/igo-ingo-initial-14jun13-en.htm

[69] IGO-INGO Draft Final Report Public Comment: http://www.icann.org/en/news/public-comment/igo-ingo-final-20sep13-en.htm

7. Next Steps

This Final Report is being submitted to the GNSO Council for their consideration and to determine what further actions to take. The IGO-INGO WG will follow the directions of the Council if any additional work is needed and/or if an Implementation Review Team is formed.

Annex 1 – PDP WG Charter

WG Name:	IGO-INGO Protection PDP Working Group	
Section I: Working Group Identification		
Chartering Organization(s):	GNSO Council	
Charter Approval Date:	15 November 2012	
Name of WG Chair:	Thomas Rickert	
Name(s) of Appointed Liaison(s):	Jeff Neuman	
WG Workspace URL:	http://gnso.icann.org/en/group-activities/protection-igo-names.htm	
WG Mailing List:	gnso-igo-ingo@icann.org	
GNSO Council Resolution:	**Title:**	Motion on the Initiation of a Policy Development Process on the Protection of Certain International Organization Names in all GTLDs.
	Ref # & Link:	20121017-2 http://gnso.icann.org/en/resolutions#201210
Important Document Links:	• Protection of International Organization Names Final Issue Report (http://gnso.icann.org/en/issues/protection-igo-names-final-issue-report-01oct12-en.pdf) • IOC/RC Drafting Team Recommendations Report (http://gnso.icann.org/en/issues/ioc-rcrc-recommendations-28sep12-en.pdf) • GNSO Working Group Guidelines (http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-08apr11-en.pdf) • GNSO PDP Manual (http://gnso.icann.org/council/annex-2-pdp-manual-16dec11-en.pdf) • Annex A – GNSO Policy Development Process of the ICANN Bylaws (http://www.icann.org/en/about/governance/bylaws#AnnexA)	
Section II: Mission, Purpose, and Deliverables		
Mission & Scope:		
Background The ICANN Board has requested policy advice from the GNSO Council and the GAC on whether special protections should be afforded for the names and acronyms of the Red Cross/Red Crescent Movement ("RCRC"), the International Olympic Committee ("IOC") and/or International Government		

Organizations ("IGOs").

In September 2011, the GAC sent advice to the GNSO with a proposal for granting second level protections based upon the protections afforded to IOC/RCRC at the first level during the initial round of new gTLD applications, and that such protections are permanent. As a result of the GAC proposal submitted to the GNSO, the GNSO IOC/RCRC Drafting Team was formed and created a set of recommendations for protecting the IOC/RCRC names at the second level of the initial round new gTLDs, including the initiation of an "expedited PDP" to determine appropriate permanent protections for the RCRC and IOC names.

The latest inquiry to examine the issue of protecting IGO names emerged as a result of a request from the ICANN Board in response to letters received from the OECD and other IGOs in December 2011. Specifically, IGOs are seeking ICANN approval of protections at the top level that, at a minimum, are similar to those afforded to the RCRC and IOC in the Applicant Guidebook. In addition, IGOs are seeking a pre-emptive mechanism to protect their names at the second level. On 11 March 2012, the ICANN Board formally requested that the GNSO Council and the GAC provide policy advice on the IGO's request.

Mission and Scope

The PDP Working Group is tasked to provide the GNSO Council with a policy recommendation as to whether there is a need for special protections at the top and second level in ***all*** existing and new gTLDs for the names and acronyms of the following types of international organizations: International Governmental Organizations (IGOs) and international non-governmental organizations (INGOs) receiving protections under treaties and statutes under multiple jurisdictions, specifically including the Red Cross/Red Crescent Movement (RCRC) and the International Olympic Committee (IOC), and (ii) if so, is tasked to develop policy recommendations for such protections.

As part of its deliberations on the first issue as to whether there is a need for special protections for certain international organizations at the top and second level in all gTLDs, the PDP WG should, at a minimum, consider the following elements as detailed in the Final Issue Report:

- Quantifying the Entities to be Considered for Special Protection
- Evaluating the Scope of Existing Protections under International Treaties/Laws for IGO, RCRC and IOC Names
- Establishing Qualification Criteria for Special Protection of International Organization Names
- Distinguishing Any Substantive Differences Between the RCRC and IOC From Other International Organizations

Should the PDP WG reach consensus on a recommendation that there is a need for special protections at the top and second level in all existing and new gTLDs for certain international organization names and acronyms, the PDP WG is expected to:

- Determine the appropriate protection for RCRC and IOC names at the second level for the initial round of new gLTDs.

- Determine whether the current special protections being provided to RCRC and IOC names at the top and second level of the initial round of new gTLDs should be made permanent for RCRC and IOC names in all gTLDs and if not, develop specific recommendations for appropriate special protections for these names.

- Develop specific recommendations for appropriate special protections for the names and acronyms of all other qualifying international organizations.

The PDP WG is also expected to consider any information and advice provided by other ICANN Supporting Organizations and Advisory Committees on this topic. The WG is strongly encouraged to reach out to these groups for collaboration at the initial stage of its deliberations, to ensure that their concerns and positions are considered in a timely manner.

Objectives & Goals:

To develop, at a minimum, an Initial Report and a Final Report regarding whether any special protections should be provided for certain IGO and INGO names and if so, recommendations for specific special protections, to be delivered to the GNSO Council, following the processes described in Annex A of the ICANN Bylaws and the GNSO PDP Manual.

Possible tasks that the WG may consider:
-- establish the bases under which ICANN should expand its reserved names list, or to create a special reserved names list, to include IOC, IFRC, RCRC, IGO, and INGO related names.
-- decide on whether the names should be added to the existing reserved names list or a new list(s) should be created.
-- develop a policy recommendation on how determinations can be made concerning which organizations meet the bases recommended above.
-- perform an impact analysis on each of the recommendations, if any, for rights, competition etc. as defined in the PDP
-- determine how incumbent registries should meet the new policy recommendations, if any.

** Given the commitment to expedite the PDP process, the WG will consider the work and documents used by the IOC-RCRC DT with regard to the IOC-RCRC terms.

Deliverables & Timeframes:

The WG shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and

the PDP Manual and, as requested by the GNSO Council in its motion initiating this PDP, shall strive to fulfill this PDP's requirements "in an expedited manner."

Specifically:

1) The PDP WG shall assume that the GNSO Council will approve the IOC/RC DT recommendations regarding interim protections of GAC specified IOC/RC second-level names in the initial round of new gTLDs in case any policy recommendations are not approved in time for the introduction of new gTLDs.
2) To allow the GNSO Council to meet the ICANN Board's requested deadline of 31 January 2013, the WG shall exert its best efforts to produce interim recommendations with regard to the protection of IGO names at the second level that may meet some to-be-determined criteria for special protection in the initial round of new gTLDs in case any policy recommendations are not approved in time for the introduction of new gTLDs; WG recommendations in this regard should be communicated to the GNSO Council with sufficient lead time before the January 2013 Council meeting to allow the Council to take action in that meeting.
3) The WG shall strive to produce final PDP recommendations for all intergovernmental organizations that could result in the implementation of a second level protection policy recommendation before the delegation of new gTLD strings from the initial round, and a top-level policy recommendation before the opening of the second round of new gTLD applications.

As per the GNSO Working Group Guidelines, the WG shall develop a suggested work plan as soon as possible that outlines the necessary steps and expected timing in order to achieve the milestones of the PDP as set out in this Charter and consistent with Annex A of the ICANN Bylaws and the PDP Manual; and submit this to the GNSO Council.

Section III: Formation, Staffing, and Organization

Membership Criteria:

The Working Group will be open to all interested in participating. New members who join after certain parts of work has been completed are expected to review previous documents and meeting transcripts.

Group Formation, Dependencies, & Dissolution:

This WG shall be a standard GNSO PDP Working Group. The GNSO Secretariat should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group, including:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other

ICANN Supporting Organizations and Advisory Committees
- Distribution of the announcement to appropriate representatives of IGOs, the RCRC and IOC.

Working Group Roles, Functions, & Duties:

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:
- GNSO Secretariat
- 2 ICANN policy staff members (Brian Peck, Berry Cobb)

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.

Statements of Interest (SOI) Guidelines:

Each member of the Working Group is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

Section IV: Rules of Engagement

Decision-Making Methodologies:

{Note: The following material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology, this section should be amended as appropriate}.

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.**
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.

- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus;** or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence,** the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
    - A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
    - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence.**

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls where taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the

Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

- Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
- If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
- In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

Status Reporting:

As requested by the GNSO Council, taking into account the recommendation of the Council liaison to this group.

Problem/Issue Escalation & Resolution Processes:

{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}

The WG will adhere to ICANN's Expected Standards of Behavior as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or

their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

Closure & Working Group Self-Assessment:

The WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

Section V: Charter Document History

Version	Date	Description
1.0	25 October 2012	First draft submitted by staff for consideration by WG

Staff Contact:	Brian Peck, Berry Cobb	**Email:**	Policy-staff@icann.org

Annex 2 – Working Group Members and Attendance

IGO-INGO Protections Policy Development Process (PDP) WG	Affiliation	SOI
Wilson Abigagba	NCUC	SOI
Lanre Ajayi	NCA	SOI
Iliya Bazlyankov	RrSG	SOI
Grit-Maren Beer		SOI
Alain Berranger	NPOC	SOI
Jim Bikoff	IPC/IOC	SOI
Hago Dafalla	NCUC	SOI
Avri Doria	NCSG	SOI
Bret Fauset	RySG	SOI
Elizabeth Finberg	RySG	SOI
Guilaine Fournet	International Electrotechnical Commission (IEC)	SOI
Chuck Gomes	RySG	SOI
Alan Greenberg	ALAC	SOI
Catherine Gribbin	Red Cross Red Crescent (Canadian Red Cross)	SOI
Ricardo Guilherme	RySG / UPU	SOI
Stephane Hankins	Red Cross Red Crescent (International Committee of the Red Cross)	SOI
David Heasley	IPC/IOC	SOI
Debra Hughes	Red Cross Red Crescent (American Red Cross)NPOC	SOI
Poncelet Ileleji	NPOC	SOI
Zahid Jamil	CBUC	SOI

IGO-INGO Protections Policy Development Process (PDP) WG	Affiliation	SOI
Wolfgang Kleinwaechter	NCSG	SOI
Christopher Lamb	Red Cross Red Crescent (Australian Red Cross)	SOI
Evan Leibovitch	ALAC (Vice-chair)/NARALO	SOI
Berly Lelievre-Acosta	WIPO	SOI
Claudia MacMaster Tamarit	International Organization for Standardization	SOI
David Maher	RySG	SOI
Kiran Malancharuvil	IPC	SOI
Judd Lauter	IPC/IOC	SOI
Jeff Neuman	RySG	SOI
Osvaldo Novoa	ISPCP	SOI
David Opderbeck	IPC	SOI
Sam Paltridge	OECD	SOI
Christopher Rassi	Red Cross Red Crescent (International Federation of Red Cross and Red Crescent Societies)	SOI
Thomas Rickert	NCA	SOI
Mike Rodenbaugh	IPC	SOI
Greg Shatan	IPC	SOI
Cintra Sooknanan	NPOC	SOI
Ken Stubbs	RySG	SOI
Joanne Teng	WIPO	SOI
Liz Williams	Individual	SOI
Giacomo Mazzone		SOI
Observers		

IGO-INGO Protections Policy Development Process (PDP) WG	Affiliation	SOI
Jonathan Robinson- GNSO Council Chair	RySG	SOI
Wolf-Ulrich Knoben - GNSO Council vice chair	ISPCP	SOI
Mason Cole - GNSO Council vice chair	RrSG	SOI
Staff		
Marika Konings		
Berry Cobb		
David Olive		
Mary Wong		
Glen de Saint Géry		
Gisella Gruber		
Nathalie Peregrine		
Julia Charvolen		

** Observer

- The attendance records can be found at https://community.icann.org/display/GWGTCT/IGO-INGO+Attendance+Chart.
- The email archives can be found at http://forum.icann.org/lists/gnso-igo-ingo/.

RrSG – Registrar Stakeholder Group

RySG – Registry Stakeholder Group

CBUC – Commercial and Business Users Constituency

NCUC – Non Commercial Users Constituency

IPC – Intellectual Property Constituency

ISPCP – Internet Service and Connection Providers Constituency

NPOC – Not-for-Profit Operational Concerns Constituency

Annex 3 – Community Input Statement Request Template

[Stakeholder Group / Constituency / Supporting Organization / Advisory Committees] Input
Protection of IGO and INGO Identifiers in all gTLDs Working Group

PLEASE SUBMIT YOUR RESPONSE AT THE LATEST BY **15 January 2013** TO THE GNSO SECRETARIAT (gnso.secretariat@gnso.icann.org), which will forward your statement to the Working Group.
The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group / Constituency representatives, to collaborate broadly with knowledgeable individuals and organizations, in order to consider recommendations in relation to the protection of names, designations and acronyms, hereinafter referred to as "identifiers", of intergovernmental organizations (IGO's) and international non-governmental organizations (INGO's) receiving protections under treaties and statutes under multiple jurisdictions.

Part of the Working Group's effort will be to incorporate ideas and suggestions gathered from Stakeholder Groups and Constituencies through this template Statement. Inserting your response in this form will make it much easier for the Working Group to summarize the responses for analysis. This information is helpful to the community in understanding the points of view of various stakeholders. However, you should feel free to add any information you deem important to inform the Working Group's deliberations, even if this does not fit into any of the questions listed below.

For further information, please visit the WG Webpage and Workspace:

- http://community.icann.org/display/GWGTCT/
- http://gnso.icann.org/en/group-activities/protection-igo-names.htm

Process

- Please identify the member(s) of your Stakeholder Group / Constituency who is (are) participating in this Working Group
- Please identify the members of your Stakeholder Group / Constituency who participated in developing the perspective(s) set forth below
- Please describe the process by which your Stakeholder Group / Constituency arrived at the perspective(s) set forth below

Below are elements of the approved charter that the WG has been tasked to address:

As part of its deliberations on the first issue as to whether there is a need for special protections for IGO and INGO organizations at the top and second level in all gTLDs (existing and new), the PDP WG should, at a minimum, consider the following elements as detailed in the Final Issue Report:

- Quantifying the Entities whose names may be Considered for Special Protection
- Evaluating the Scope of Existing Protections under International Treaties/Laws for the IGO-INGO organizations concerned;
- Establishing Qualification Criteria for Special Protection of names of the IGO and INGO organizations concerned;

- Distinguishing any Substantive Differences between the RCRC and IOC designations from those of other IGO-INGO Organizations.

Should the PDP WG reach consensus on a recommendation that there is a need for special protections at the top and second levels in all existing and new gTLDs for IGO and INGO organization identifiers; the PDP WG is expected to:

- Develop specific recommendations for appropriate special protections, if any, for the identifiers of any or all IGO and INGO organizations at the first and second levels.
- Determine the appropriate protections, if any, for RCRC and IOC names at the second level for the initial round of new gTLDs and make recommendations on the implementation of such protection.
- Determine whether the current special protections being provided to RCRC and IOC names at the top and second level of the initial round of new gTLDs should be made permanent for RCRC and IOC names in all gTLDs; if so, determine whether the existing protections are sufficient and comprehensive; if not, develop specific recommendations for appropriate special protections (if any) for these identifiers.

Questions to Consider:

1. What kinds of entities should be considered for Special Protections at the top and second level in all gTLDs (existing and new)?
   Group View:
2. What facts or law are you aware of which might form an objective basis for Special Protections under International Treaties/Domestic Laws for IGOs, INGOs as they may relate to gTLDs and the DNS?
   Group View:
3. Do you have opinions about what criteria should be used for Special Protection of the IGO and INGO identifiers?
   Group View:
4. Do you think there are substantive differences between the RCRC/IOC and IGOs and INGOs?
   Group View:
5. Should appropriate Special Protections at the top and second level for the identifiers of IGOs and INGOs be made?
   Group View:
6. In addition, should Special Protections for the identifiers of IGOs and INGOs at the second level be in place for the initial round of new gTLDs?
   Group View:
7. Should the current Special Protections provided to the RCRC and IOC names at the top and second level of the initial round for new gTLDs be made permanent in all gTLDs and if not, what specific recommendations for appropriate Special Protections (if any) do you have?
   Group View:

8. Do you feel existing RPMs or proposed RPMs for the new gTLD program are adequate to offer protections to IGO and INGOs (understanding that UDRP and TMCH may not be eligible for all IGOs and INGOs)?
   Group View:

For further background information on the WG's activities to date, please see:

- Protections of IGO and INGO identifiers in all gTLDs web page (see http://gnso.icann.org/en/group-activities/protection-igo-names.htm).
- Protection of International Organization Names Final Issue Report, for insight into the current practices and issues experienced (see http://gnso.icann.org/en/issues/protection-igo-names-final-issue-report-01oct12-en.pdf).
- The IOC/RCRC DT page is also a good reference for how those efforts were combined with this PDP (see http://gnso.icann.org/en/group-activities/red-cross-ioc.htm).

Annex 4 – Issue Report Template Request Form

QUESTIONS	ANSWERS
1) Name of Requester:	IGO-INGO WG
2) Enter the name of your Stakeholder Group (SG), Constituency, or Advisory Committee (AC) supporting this request: *(Please enter "Not Applicable" if appropriate).*	Not Applicable
3) Briefly identify (or name) the Issue:	IGO-INGO Access to Curative Dispute Resolution Mechanisms (i.e. UDRP & URS)
4) Explain how this Issue affects the organization provided in Question #2 above:	Not Applicable
5) Provide rationale for policy development:	The two current domain name dispute resolution mechanisms (UDRP & URS) are premised on the complainant's legally owning trademark rights to the domain name(s) in question. With recommendations that IGOs and INGOs should also be able to utilize these mechanisms, the current UDRP & URS policy needs to be amended to allow these organizations similar access as trademark owners but without creating new or additional trademark or other legal rights.
6) Describe problems raised by the Issue including quantification to the extent known:	Amending UDRP and URS policy to allow IGOs and INGO access to these mechanisms would amount to extending the scope of these dispute resolution processes beyond pure trademark disputes. Care should be taken to not expand their workings beyond what is necessary to ensure IGO and INGO protections tailored specifically to the WG's recommendations. The Council should take note that the scope of any PDP created as a result of this Issue Report will not impact the scope of the RPM (UDRP/URS) Review PDP that is presently on-hold at the GNSO Council. It is likely not to be started until 2015 and that this PDP on access for IGO-INGOs should begin as soon as possible.
7) What is the economic impact of the Issue and/or its effect upon competition, consumer trust, privacy, or other rights:	The WG's recommendations are intended to ensure that costs of engaging in the UDRP and URS curative processes for protected IGOs and INGOs are measurable

	and reasonable, as compared to having to file territorial-based lawsuits in national courts against cyber-squatters.
7-A) Provide supporting evidence for Question #7 to the extent known: *(Enter "None" if unavailable)*	See documentation and information produced by certain IGOs and INGOs during the WG's deliberations.
8) How does this Issue relate to provisions of the ICANN Bylaws, Affirmation of Commitments, and/or ICANN Articles of Incorporation:	Per Section 1.3 of the ICANN Bylaws, resolving this issue is "reasonably and appropriately related" to ICANN's mandate. As the UDRP and URS are mandatory policies to be implemented by contracted registries and registrars, a PDP to resolve this issue will provide a stable and clear framework for the operation of the domain name system, in line with ICANN's Core Values in Section 2 of the Bylaws.
9) Provide any suggestions you have concerning specific items to be addressed in the Issue Report: *(Enter "None" if appropriate)*	Existing providers of UDRP and URS providers, as well as registries and registrars who will need to implement the amended policies, will need to be consulted and involved in the PDP. The GNSO Council should also consider to add a request for ICANN staff to produce a draft Charter as part of the Issue Report.
10) Date request is submitted (e.g., 10-Nov-2013):	10-Nov-2013
11) Expected completion date (e.g., 31-Jan-2014):	31-Jan-2014

Annex 5 – ICANN General Counsel Office Research Report

As of 31 May 2013

To: GNSO Drafting Team on Protection of IGO-INGO Names

From: Office of ICANN's General Counsel

Research Requested from the WG

With respect to the question of securing legal advice regarding the protection of IGO-INGO names, the WG should request from the office of the ICANN General Counsel an answer to the following question:

Is ICANN aware of any jurisdiction in which a statute, treaty or other applicable law prohibits either or both of the following actions by or under the authority of ICANN:
(a) the assignment by ICANN at the top level, or
(b) the registration by a registry or a registrar accredited by ICANN of a domain name requested by any party at the second level, of the name or acronym of an intergovernmental organization (IGO) or an international non-governmental organization receiving protections under treaties and statutes under multiple jurisdictions (INGO)?
If the answer is affirmative, please specify the jurisdiction(s) and cite the law.

Research Performed

Given our understanding that the WG is looking at the International Olympic Committee (IOC), the Red Cross/Red Crescent Movement (RCRC) as well as intergovernmental organizations (IGO) and other international non-governmental organization (INGOs), it was important to scope the research into a manageable format. Therefore, the research was broken into two parts, one as it related to the IOC and RCRC (as major INGOs that are the most likely to have special protections afforded, based on prior research performed) and the second part on IGOs. For IGOs, the research focused upon whether the jurisdictions

afforded heightened protections through recognition of the Paris Convention and its Article 6(1)(b) (the "6ter"). This method seemed to provide a broad and objective measure for identifying protections afforded to IGOs. As requested, the review was not focused on the potential prohibitions for or liabilities of registrants in domain name registration, rather the broader question of prohibitions that could attach up the registration chain (to registries and registrars). However, the research presented does not discuss ICANN's potential for liability. Eleven jurisdictions from around the globe were surveyed, representing jurisdictions from every geographic region. ICANN interpreted the term "assignment" to mean the approval for delegation of a top-level domain.

Executive Summary

As noted in the interim reporting provided on this research, the trend is that there are few, if any, jurisdictions sampled that have specific laws addressing ICANN, a registry or a registrar's role in the delegation of top-level domains or in the registration of second-level domains. Only one jurisdiction (Brazil) was found to have a statute that placed a direct prohibition on the registration of IOC- or FIFA-related domain names, though the roles of gTLD registries/registrars are not specifically identified in the statute. However, the fact that statutes do not directly mention domain names cannot be taken to mean that ICANN, a registry or a registrar is exempt from liability if there is an unauthorized delegation at the top-level or registration at the second-level of a domain name using the name or acronym of the International Olympic Committee (IOC), the Red Cross/Red Crescent movement (RCRC), or Intergovernmental Organizations (IGOs) that are provided protection within each jurisdiction.

As seen in the survey below, nearly all of the sampled jurisdictions (representing all geographic regions) provide protections to the IOC and/or the RCRC for the use of their names and acronyms, and those protections are often understood to apply to domain

names. The exact terms that are protected in each jurisdiction vary, and ICANN has not engaged in an exercise to compare the scope of the protected terms requested by the IOC and the RCRC within the New gTLD Program, as this research was not undertaken to produce a list of names or acronyms recommended for protection. While it appears rare (other than in the case of Brazil) to have a specific prohibition for domain name registration enumerated, there does seem to be potential bases for challenges to be brought with respect to domain name registration, including potential challenges to registry operators or registrars for their roles in the registration chain.

For the names and acronyms of IGOs, ICANN's research focused on whether any special status afforded to those names and acronyms by virtue of the protection granted by Article 6ter(1)(b) of the Paris Convention could serve as a basis for liability. While this focus of research may not identify if there are individual IGOs for which a country has elected to provide heightened protections (outside of their 6ter status), this research provides insight to the status afforded to IGOs that can be objectively identified by virtue of their inclusion on the 6ter list. Many countries afford special protection to those IGOs listed on the 6ter, though there is often a registration, notice process, or member state limitation required through which each jurisdiction develops a list of the specific IGOs that it will recognize for protection. Therefore, among the jurisdictions where IGOs are provided heightened protection, the list of IGOs eligible for protections may not be uniform. With regard to our research related to IGOs and INGOs other than the RCRC and IOC, the research did not identify any universal protections that could be made applicable for IGOs or INGOs.

In nearly every jurisdiction, whether or not special protection exists for the IOC, RCRC or IGOs, there always remains the possibility that general unfair competition or trademark laws can serve as a basis for challenge to a specific delegation of a top-level name or the registration of a second-level domain name at any level of the registration chain. This survey does not assess the likelihood of whether liability would attach in those

circumstances. The potential for liability could factor in many issues, such as knowledge of potential infringement or improper use, the location of the registry or registrar, or the familiarity of the jurisdiction with the IGO at issue, as three examples.

Each registry operator and registrar has an independent obligation to abide by applicable laws. If registry operators or registrars have concerns about the potential for liability for its role in the delegation of a top-level domain or in the registration of a second-level domain within a particular jurisdiction, the responsibility for identifying the scope of that liability lies with the registry operator or registrar. Therefore, to avoid any suggestion that ICANN is providing legal advice to any of its contracted parties, the survey provided below notes the areas where the potential for liability could lie, but does not provide an assessment of the likelihood of that liability attaching.

When reviewing this survey, it is important to keep two items in mind. First, the suggestion that a registry or registrar could bear some liability for their role in domain name registrations is a broad concept, and the presentation of this survey is in no way suggesting that registries or registrars are at newfound risk of liability for all domain registrations within their registry or sponsorship. The presentation of this survey is looking at where certain entities (IGOs and INGOs) could be afforded heightened protections from use of associated names or acronyms within domain names because acts and laws already provide for heightened protections for the use of their names and acronyms. Second, the term "liability" is used broadly here. There are many factors that have to be considered for liability to attach to a registry or registrar, including the extent to which a jurisdiction recognizes "accessories" to acts of dilution or infringement, or how a jurisdiction defines a duty of care and the registry or registrar's role in the registration chain. The term "liability" is not used here to indicate that there is certainty that a registry or registrar will (or should) face any challenge due to the registration of a domain name for which heightened protections may be claimed.

Survey of Jurisdictions

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
Australia	While there are no specific prohibitions for the use of names related to the IOC at the top-level or second-level, the *Olympic Insignia Protection Act 1987* (Cth) provides broad protections for the terms which could extend to domain names. The level of protection afforded to domain names appears to depend on how closely the domain name matches a protected Olympic expression. There may be exclusions based on prior registration of marks using some of the Olympic names. For RCRC names, the *Geneva Conventions Act 1957* (Cth) prevents any unauthorized use of specific RC related expressions, which would arguably apply to domain names at any level.	The *International Organisations (Privileges and Immunities) Act 1963* (Cth) gives effect to the 6ter list and prohibits the use of an IGO's name (or acronym) in connection with a trade, business, profession, calling or occupation. The IGO must, however, also be specifically made a subject of legislation or regulations by the Australian Government to be afforded the protections of the Act. For the qualifying IGOs, there is the potential for liability through the registration chain where the use of an IGO name/acronym in a domain name is in contravention of the Act.

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
Brazil	The Olympic Act, Law No. 12.035/2009 could be used to impose liability for the approval/registration of a TLD or second-level domain name, and explicitly mentions domain web sites as one of the areas of protections for marks related to the 2016 Olympic Games. Prior approval is needed for any usage. Certain Red Cross marks are protected under Decree 2380/1910. The 1910 decree does not mention domain names. Brazilian Civil Law Code could possibly be used as a basis for liability as well.	FIFA has similar protections to the Olympics Law under the ""General World Cup Law" (Law no. 12.663/2012), and expressly directs NIC.br to reject "domain name registrations which utilizes identical or similar expressions / terms to FIFA's trademarks." More generally, Brazil has ratified the Paris Convention, however there are no specific provisions of law that relate to the protections of abbreviations and names of IGOs in Brazil. However, the fact of ratification could make attempts to bar delegation/registration at the top- or second-level, more successful in the country, however, the success of the challenge would vary from case to case.
Canada	*Trade-marks Act*, R.S.C., 1985, c. T-13, Subsection (9)(1)(f) protects certain emblems and marks related to the Red Cross. The *Olympic and Paralympic Marks Act*, S.C. 2007, c. 25 ("OPMA") protects marks related to the	The *Trade-marks Act*, at Subsections 9(1)(i.3) and 9(1)(m) provides protections for names of organizations appearing on the 6ter list, as well as for the United Nations. For names on the 6ter list, there is a requirement for entities on the 6ter to

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	IOC (including translations). Some of the marks are also protected as official marks that are registered in Canada. While the statutes do not mention domain name registration, there is the possibility that the use of a name or acronym associated with these marks at the top-level or second-level could violate Canadian law.	communicate to the government which names are intended for protection. The use of those protected names or acronyms at the top-level or second-level (each without consent) could be afoul of the *Trade-marks Act*, though domain names are not specifically mentioned in the law.
China	Certain Olympic-related names and acronyms are provided protection under the Regulations on the Protection of Olympic Symbols ("Regulations"), which require the permission of the owner of the Olympic symbols to provide permission for their use. This is the one area where any heightened potential for liability for the delegation of a top-level domain was identified. Registrations of second-level domains could also be impacted under this provision. The domain name	Article 2(2) of the Notice Regarding the Implementation Solution of .CN Second Level Domain Name Registration specifically restricts the registration of the acronyms of 31 Inter-Governmental Organizations (“IGOs”) as second level domain names to entities with the relevant authorities It is unknown how this restriction would be expanded into TLDs outside of the .CN registry.

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	registration policies that exist within TLDs that are administered by CNNIC are subject to modification and broadening. Some second-level registrations for the RCRC are afforded some protections under these policies.	
France	Article L. 141-5 of the French Code of Sports provides protections to certain words and marks associated with the IOC, and has been used with: (i) Article L. 711-3 b) of the French Intellectual Property Code and/or (ii) Article L. 45-2 of the French Code of Posts and Electronic Communications to require cancellation of domain names bearing the protected words. Article 1 of French law dated July 24, 1913, as amended by French law dated July 4, 1939, implementing the provisions of the Geneva Convention for the Amelioration of the Condition of	Under French law, the Paris Convention is directly applicable (that is, an action can validly be grounded on such International treaty). Yet, Article 6*ter*(1)(b) of the Paris Convention does only provide for the prohibition to "*use [IGOs], without authorization by the competent authorities, either as trademarks or as elements of trademarks*". Because of the status of the protection, liability could attach as a result of trademark law violations/unfair use of an IGO's name or acronym as part of a domain name. There is also the potential for criminal liability based upon the unlawful use of an insignia regulated by a public authority. Notably, some

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	the Wounded and Sick in Armies in the Field, dated July 6, 1906, provides protections for certain words and marks associated with the RCRC in France. While domain names are not specifically listed in the law, the broad language of the law has been used to prohibit registration of domain names using the restricted names. The improper delegation/registration or use of these names at the top- or second-level could possibly serve as a basis of liability.	IGOs could be provided with stronger protections than others by virtue of appearance on a list referred to in Article 3 of French Ministerial Order dated February 19, 2010.
Germany	Certain Olympic designations are protected under the Olympic Emblem and Olympic Designations Protection Act (OlympSchG), a national statutory law. According to section 125 OWiG (Ordnungswidrigkeitengesetz - Administrative	There are no statutes that provide protection to IGOs on the basis of inclusion on the 6ter list.

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	Offences Act), an administrative offence is deemed committed by any person who has used the symbol of the Red Cross, respectively the designations "Red Cross" or "Geneva Cross", as well as any symbol or designation confusingly similar without authorization. The same applies to symbols and certain designations representing the Red Cross under provisions of international law (i.e. the Red Crescent). For either of these provisions, while domain name registrations are not specifically identified, those who are on notice of the infringing use of a name or acronym at the top or the second level could be held liable under the laws.	
Japan	The Unfair Competition Prevention Law (hereinafter referred to as "UCPL") (Law No. 47 of 1993, as amended) prohibits unauthorized use of the names of international	While there are no direct legal barriers to the delegation of a top level domain or the registration of a second level domain name that matches a mark or acronym of an IGO that is defined under the Ministry

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	intergovernmental organizations ("IGOs") as trademark (Article 17 of the UCPL). This provision corresponds to Article 6*ter* (1) (b) and (c) of the Paris Convention for the Protection of Industrial Property (the "Paris Convention"). Specific IGOs that are protected under this statute are defined by ordinance of the Ministry of Economy, Trade and Industry. The IOC has specific names and acronyms protected under this provision. The name and mark of the Red Cross are already protected under the Law Regarding Restriction of Use of Mark and Name, Etc. of the Red Cross (Law No. 159 of 1947, as amended). While the laws do not directly address domain names at the top or the second level, the use of the IOC or	of Trade and Industry ordinance, the use of such words in a way that is found to be misleading can serve as grounds for liability, just as the use of IOC names or acronyms would.

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	the RCRC names or acronyms at the top or second level (by entities other than the IOC/RCRC) could serve as grounds for liability under the laws.	
Mexico	The use of Red Cross and Red Crescent names is covered by 2007 law, which includes domain names. Mexico is a member of the Nairobi Treaty for the Protection of the Olympic Symbol, and affords the rights provided under that treaty. Article 71, General Law of Physical Culture and Sport (Published in the Official Journal of the Federation on February 24, 2003) provides protection for words associated with the Olympics, including Olimpico and Olimpiada.	Under Article 213 VII and IX of the Industrial Property Law and Article 90 VII of the Industrial Property Law, neither of which specifically mention domain names, the use of a name of an IGO in which Mexico takes part could serve as a basis for liability if evidence of authorization for the registration is not received.
South Africa	South African Red Cross has protection under a specific statute, the South African Red Cross Society and Legal Protections of Certain Emblems Act no. 10 of 2007.	Through the Trade Marks Act no 194 of 1993, Sections 10(8), 34, and 35, well-known marks appearing on the 6ter list are entitled to protection under trademark laws, even without registration, though there is a

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	There is no specific protection in South Africa for IOC names, but the IOC does have registered marks in here that are afford protections under the Trade Mark Act discussed under the IGO section. Unregistered abbreviations may not be subject to protection. These protections could exist at the top- and second-level for domain names, though not specifically enumerated.	requirement to apply to South Africa for protection. Comparisons need to made about the class of service offered. IGO names could also be protected under the Prohibition of the Use of Certain Marks, Emblems and Words published under GN 873 in GG 5999 of 28 April 1978, as well as the Merchandise Marks Act no. 17 of 1941. None of these acts specifically mention domain names, though the use of the protected marks in top- or second-level domain names may serve as a basis for liability thereunder. The potential for liability arising out of domain name registrations can be seen in the Electronic Communications and Transactions Act no. 25 of 2002, which is applicable to the .za Domain Name Authority.
South	Article 12(1) of the Korean Internet Address	Article 3(1) of the Korean Unfair Competition

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
Korea	Resources Act (KIARA) states: "No one shall obstruct the registration of any domain name, etc. of persons who have a legitimate source of authority, or register, possess or use domain name for unlawful purposes, such as reaping illegal profits from persons who have a legitimate source of authority. " There are not statutes that appear to protect the top-level delegation or usage of a term related to the IOC/RCRC, unless those terms have the protection of the trademark laws or the protection of the KIARA. Second-level registrations are more likely to pose liability under the trademark laws or the KIARA. The laws do not specifically contemplate that entities other than the registrant would have liability, though there is no guarantee that none would attach.	Prevention and Trade Secret Prevention Act (KUCP & TSPA) prohibits use of marks of international organizations, and specifically references international organizations and the Paris Convention. For use within a second-level domain name, the general KIARA, combined with the KUCP & TSPA, provide the most likely sources of liability. The delegation of top-level domains containing these names and acronyms is less likely to be viewed as problematic under these statutes.
U.S.	There are two statutes that are relevant to the protection afforded to names or acronyms of	The US Patent and Trademark Office is required to refuse registrations of marks that conflict with

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	the IOC in the United States: (1) 36 U.S.C. §§ 220501 *et seq*., the Ted Stevens Olympic and Amateur Sports Act (the "Stevens Act"); and (2) 15 U.S.C. §§ 1051 *et seq.* (the Lanham Act). Specific words and combinations related to the Olympics and the Olympic Committee are protected from use, but the use of the word "Olympic" to identify a business or goods or services is permitted if it does not combine with any of the intellectual property references. The scope of protection provided, while it does not directly mention domain name registration at the top- or second-level, could be used as a bar to potentially infringing registration. The Red Cross is also afforded protection under the Lanham Act and is protected pursuant to 18 U.S.C. §§	registered marks of IGOs, so no registration is possible (once the marks are identified to the USPTO by a member country of the Paris Convention). No special protection seems to exist to bar the delegation of top- or registration of second-level domains containing the IGO names or acronyms by ICANN, a registry or registrar.

Jurisdiction	IOC/RCRC Protections	IGO Protections (or other INGOs, where applicable)
	706, 706a, and 917. Allowing use of the protected terms at the top- or second- level – while not fully defined in the statutes and not addressing domain name registrations – could be used to impose liability.	

GNSO Council Report to the ICANN Board

IGO-INGO PDP

Executive Summary

The Generic Names Supporting Organization (GNSO) unanimously approved at its meeting on 20 November 2013 a number of recommendations concerning the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process (PDP), namely:

- 25 consensus recommendations, which are intended to protect organizational identifiers (full names and limited acronyms) of International Governmental Organizations (IGO) and International Non-Governmental Organizations (INGO), including the Red Cross Red Crescent Movement (RCRC) and the International Olympic Committee (IOC).
- Specific recommendations protect certain organizational identifiers by reserving them at the top and second levels which also include an exception procedure for a protected organization registering a reserved name. Where an identifier is not so reserved, the recommended protection may consist of clearinghouse/claims notice protections at the second level, depending on the organization.

Under the ICANN Bylaws, the Council's unanimous (supermajority) support for the motion obligates the Board to adopt the recommendations unless by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

a. A clear statement of any Successful GNSO Vote recommendation of the Council

The Generic Names Supporting Organization (GNSO) Council unanimously approved at its meeting on 20 November 2013 the following recommendations on the IGO-INGO PDP:

Identifier Definitions:

- Identifier - The full name or acronym used by the organization seeking protection; its eligibility is established by an approved list.
- Scope – the limited list of eligible identifiers distinguished by type (name or acronym) or by additional designations as agreed upon and indicated in the text below; may also include lists approved by the GAC (where this is the case it is expressly indicated as such in the text below).
- Language – The scope of languages for which a Latin-script identifier is to be protected.

#	Red Cross Red Crescent Movement (RCRC) Recommendations
○ **Scope 1 Identifiers**[1]: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ **Scope 2 Identifiers**: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)	
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *Red Cross Red Crescent Movement* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For *Red Cross Red Crescent Movement* identifiers placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level
3	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *Red Cross Red Crescent Movement* are placed in Specification 5 of the Registry Agreement
4	For *Red Cross Red Crescent Movement* identifiers placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**
5	**Second-Level** protections of only Exact Match, Full Name Scope 2 identifiers of the *Red Cross Red Crescent Movement* are bulk added as a single list to the Trademark Clearinghouse (TMCH)

[1] The Scope 1 identifiers for RCRC are already placed on the reserved list: http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml. This list should be confirmed upon Board approval of the GNSO recommendations.

#	Red Cross Red Crescent Movement (RCRC) Recommendations
○ **Scope 1 Identifiers**[1]: "Red Cross", "Red Crescent", "Red Lion and Sun" and "Red Crystal" (Language: UN6) ○ **Scope 2 Identifiers**: 189 recognized National Red Cross and Red Crescent Societies; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; ICRC, CICR, CICV, MKKK, IFRC, FICR (Language: in English, as well as in their respective national languages; ICRC & IFRC protected in UN6)	
6	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *Red Cross Red Crescent Movement* are bulk added as a single list to the Trademark Clearinghouse
7	*Red Cross Red Crescent Movement* Scope 2 (Full Name & Acronym) identifiers added to the TMCH, allowed to participate in 90 Day Claims Notification[2] phase of each new gTLD launch for **Second-Level** registrations

#	International Olympic Committee (IOC) Recommendations
Scope 1 Identifiers: olympic, olympiad (Language: UN6, + German, Greek, and Korean) [3,4]	
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Olympic Committee* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For *International Olympic Committee* Identifiers placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level
3	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Olympic Committee* are placed in Specification 5 of the Registry Agreement
4	For *International Olympic Committee* identifiers placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**

[2] If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice, as distinct from the Trademark notices, may be required since IGO-INGO Identifiers are protected on a different legal basis from trademarks.
[3] The Scope 1 identifiers for IOC are already placed on the reserved list: http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml. This list should be confirmed upon Board approval of the GNSO recommendations.
[4] Note that the IOC did not request protections for acronyms and therefore no recommendations are included within this Scope 1 set.

#	International Governmental Organization (IGO) Recommendations
○ **Scope 1 Identifiers**: GAC List[5] (22 March 2013) - Full Name (Language: Up to two languages[6]) ○ **Scope 2 Identifiers**: GAC List (22 March 2013) - Acronym (Language: Up to two languages)	
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For *International Governmental Organizations* Identifiers placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Top-Level**
3	**Second-Level** protections of only Exact Match, Full Name Scope 1 identifiers of the *International Governmental Organizations* are placed in Specification 5 of the Registry Agreement
4	For *International Governmental Organizations* identifiers placed in Specification 5 of the Registry Agreement, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the **Second-Level**
5	**Second-Level** protections of only Exact Match, Acronym Scope 2 identifiers of the *International Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse
6	*International Governmental Organizations* Scope 2 identifiers added to the TMCH, allowed to participate in 90 Day Claims Notification[7] phase of each new gTLD launch for **Second-Level** registrations

[5] List of IGO Full Name & Acronym (Scope 1 & 2) Identifiers from GAC Advice: http://www.icann.org/en/news/correspondence/dryden-to-crocker-chalaby-annex2-22mar13-en.pdf

[6] The IGO Representatives collaborating with the GAC are to provide a list of the two languages each organization prefers because ICANN may not be in a position to determine which languages should be reserved for each of the 190+ organizations on the GAC list (UN6 is the standard scope for which ICANN conducts translations.)

[7] If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice as distinct from the Trademark notices may be required as IGO-INGO Identifiers are protected on a different legal basis than trademarks.

#	International Non-Governmental Organizations (INGO) Recommendations
○ **Scope 1 Identifiers**: ECOSOC List[8] (General Consultative Status) (Language: English only) ○ **Scope 2 Identifiers**: ECOSOC List (Special Consultative Status) (Language: English only) *****Note, this list of Identifiers are INGOs other than the RCRC and IOC** See http://csonet.org/content/documents/E2011INF4.pdf	
1	**Top-Level** protections of Exact Match, Full Name Scope 1 identifiers of the *International Non-Governmental Organizations* are placed in the Applicant Guidebook section 2.2.1.2.3, Strings "Ineligible for Delegation"
2	For *International Non-Governmental Organizations* Identifiers placed in the Applicant Guidebook as ineligible for delegation at the **Top-Level**, an exception procedure should be created for cases where a protected organization wishes to apply for their protected string at the Top-Level
3	**Second-Level** protections of only Exact Match, Full Name Scope 2 identifiers of the *International Non-Governmental Organizations* are bulk added as a single list to the Trademark Clearinghouse (TMCH)[9]
4	*International Non-Governmental Organizations* Scope 2 identifiers added to the TMCH, allowed to participate in 90 Day Claims Notification[10] phase of each new gTLD launch for **Second-Level** registrations

[8] The Implementation Recommendations Team (IRT) to be formed in relation to this PDP will need to determine how this list is managed as new organizations enter the ECOSOC list. Questions to be determined will include the following: How are new entries added to the TMCH? How will ICANN be notified of changes? How is the protection implemented when an organization's string exceeds 63 characters? Others not determined yet?

[9] The concept of bulk addition into the TMCH was to minimize cost associated with entry and validation. However, the Scope 2 names exceed 2000+ organizations. The IRT will need to determine how contact information required for TMCH forms is to be acquired and validated for bulk entry. Note that voluntary submission requests into TMCH will require backend validation of eligibility.

[10] If IGO-INGO identifiers are to utilize the Claims service, both WG deliberation and public comments noted that a separate claims notice as distinct from the Trademark notices may be required as IGO-INGO Identifiers are protected on a different legal basis than trademarks.

#	General Recommendations
1	Any current **Top-Level** protections of Exact Match, Acronym identifiers **are to be removed** from the Applicant Guidebook section 2.2.1.2.3, of the Applicant Guidebook, Strings "Ineligible for Delegation".
2	Any current **Second-Level** protections of Exact Match, Acronym identifiers **are to be removed** from Specification 5[11] of the new gTLD Registry Agreement.
3	For Information Only: The GNSO Council approved the creation of an Issue Report for a possible PDP to determine if the Uniform Dispute Resolution Policy (UDRP) and the new Uniform Rapid Suspension (URS) procedure can be amended so that curative rights of the UDRP and URS can be used by those organizations that are granted protections based on their identified designations. The Preliminary Issue Report is expected to be published by the end of January 2014.
4	For Information Only: The GNSO Council approved a request that its Standing Committee on Improvements (SCI) review the Consensus levels as defined in the Working Group Guidelines[12]. This has already been referred to the SCI for review and to determine possible changes or recommendations, if any.

WG Implementation Considerations of the Recommendations on Incumbent gTLDs

This section suggests some implementation principles for gTLDs delegated prior to the New gTLD Program regarding the recommendations from the GNSO PDP. Should the ICANN Board adopt the GNSO Consensus Policy recommendations, the Council approved an Implementation Review Team to further assist with implementation of the policy on incumbent gTLDs.

It should be noted that several new gTLDs were approved and delegated under the New gTLD Program during the IGO-INGO PDP and leading up to the GNSO Council's approval of the WG's recommendations. The WG did not specifically address the question of implementation in relation to those new gTLDs delegated under the New gTLD Program prior to either GNSO Council or ICANN Board approval of the WG recommendations. For those and additional new

[11] http://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml.

[12] This WG experienced a possible limitation in the currently defined Consensus Levels when assigning "Divergence" to recommendations regarding acronym protections. Under the current GNSO WG Guidelines, "Divergence" is equated to "No Consensus"; however, the use of "Divergence" did not adequately represent the clear lack of support for a proposed recommendation when said recommendation was proposed in the affirmative, for example "Do you support [Recommendation X]?". Although ascribing a "Consensus Against" level of support was discussed, the WG Chair was equally concerned about not adhering to current Working Group Guidelines in a manner which could introduce risk to the process, because "Consensus Against" is not formally defined in the WG Guidelines.

gTLDs that continue to be delegated under the New gTLD Program, it may be necessary to achieve implementation either via a new term in the New gTLD Registry Agreement, or as an additional term in a signed New gTLD Registry Agreement, as appropriate.

An excerpt from IGO-INGO WG Charter: "…determine how incumbent registries should meet the new policy recommendations, if any."

Scope and Assumptions:

- Existing gTLDs Only (Delegation pre-2012)
- Only second-level proposed protection recommendations apply
- Assumes that the PDP recommendations are supported and adopted for new gTLDs by the ICANN Board

PDP WG Proposed Principles of Implementation[13]:

- Any policies adopted for new gTLDs shall apply equally to existing gTLDs to the extent they are relevant (for example second-level IGO-INGO protections utilizing TMCH, sunrise, claims will not apply) and do not infringe on the existing rights of others.
- An Implementation Review Team (IRT) should be formed to collaborate as required with ICANN staff and the GNSO community to implement applicable consensus policies for incumbent gTLDs.
- For clarification purposes, second-level names matching a protected identifier, as identified via any consensus policies defined here, and that are not registered within an existing gTLD, shall be immediately reserved from registration in the same manner as for new gTLDs.
- Due to the time lag between the date the WG and GNSO Council adopts recommendations, if any, and the date the recommendations are implemented, there is a possibility of front-running, whereby some identifiers not previously registered could be registered by parties before the policy is in effect. A mechanism to guard against front-running should be defined, such as establishing the date these recommendations were adopted by the WG or GNSO Council as the measurement date that determines how a domain name matching a protected identifier is treated. This should be implemented as soon as practically possible.
- A second-level registration within an existing gTLD that matches a protected identifier, as identified via any consensus policies defined here, and the registration of said name, if registered prior to implementation of protections or any such cutoff date as may be determined, shall be handled like any existing registered name within the incumbent gTLD regarding renewals, transfers, sale, change of registrant, etc.
- The previous point notwithstanding, if a second-level name that matches a protected identifier (as identified via any consensus policies defined in the WG's Final Report) has been registered previously, it may not be transferred to a new registrant after expiration

[13] To make the Buenos Aires deadline, the WG agreed to refer these principles to the Implementation Review Team. Note that these principles were not voted as a recommendation(s) by the GNSO Council. Original text can be found in the Final Report: http://gnso.icann.org/en/issues/igo-ingo-final-10nov13-en.pdf

under registration agreement terms which would otherwise allow a registrar to, on its own accord, auction, sell or otherwise effect a change of registrant. Such registrations, if not renewed by the Registrant at Expiration (as defined in the Expired Registration Recovery Policy) must be deleted by the registrar after the termination of any renewal grace periods. At the time the name completes eligible grace periods and becomes eligible for deletion, the name shall not be reallocated by the Registry and shall be deemed ineligible for registration per the defined policy.

- Where policy changes to recover protected identifiers of registered second-level names within an existing gTLD deviate from current policy, registry & registrar indemnification should be considered.
- For clarification purposes, second-level names matching a protected identifier that are also registered by a party other than the protected organization and bad faith use vis-à-vis the protected organization is suspected, the protected organization may have access to RPMs like the UDRP, pending a PDP to address how the IGO-INGO organizations may access RPMs.

Minority Positions on the WG's Consensus Recommendations

The following table provides an abstract and links to the minority position statements filed as "Supplement A – Minority Positions" in the WG's Final Report. The abstract statements that follow have not been reviewed by the respective groups that submitted Minority Positions, and should not be read as substitutes for the filed statements.

Link: http://gnso.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf	
Group	**Abstract Statement**
RCRC	Many protection recommendations were supported, but the RCRC reiterated its position that TMCH/Claims for its Scope 2 identifiers (189 orgs + 6 acronyms) were insufficient preventative protections based on international and domestic law in force in multiple jurisdictions.
IOC	None submitted
IGO	The statement takes issue with how the recommendations were structured and presented, and of the designation of levels of consensus. It also states that the WG's recommendations do not align to GAC advice and IGOs' strong opposition to any recommendations that do not provide preventative protection for acronyms.
INGO	Although supportive of the WG's endorsement of the ECOSOC list of INGOs, the statement argued that "Universal Objective Criteria" should be used for international organizations instead of maintaining a current distinction between IGOs and INGOs (a proposal was provided). INGOs oppose any blocking or burdensome delays on the registration of any acronyms at the top and second levels.

Link: http://gnso.icann.org/en/issues/igo-ingo-final-minority-positions-10nov13-en.pdf	
Group	**Abstract Statement**
NCSG	Due to concerns over possible abuse, Exception Procedures to the reservation of identifiers should be placed on hold pending a PDP on reserved names. Similarly, for existing gTLDs, newly reserved identifiers should not be sold or transferred until further policy work is completed.
ALAC	The collection of recommendations as a whole does not form a cohesive and consistent set of policies despite consensus support for individual recommendations. The statement expressed concern that reservation or blocking of identifiers could prevent possible reasonable use. ALAC supports protections for international organizations that serve the public interest, but only where lack of protection will clearly lead to malfeasance. Protection should not impinge on valid rights to use a protected string, and the procedures should be inexpensive and fast. Top-level protections are not necessary.

b. If a Successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the constituency(ies) or Stakeholder Group(s) that held the position;

Not Applicable

c. An analysis of how the issue would affect each constituency or Stakeholder Group, including any financial impact on the constituency or Stakeholder Group;

Despite the unanimous support of the IGO-INGO consensus recommendations by the GNSO Council, Constituencies (C) and Stakeholder Groups (SG) still have differing views about the benefits of the protections being afforded to the IGO-INGO organizations. The views range from no protections to full reservation protections of IGO-INGO identifiers. IGO representatives, who participated in the WG, maintain their current position that the GNSO's consensus recommendations do not go far enough to protect their identifiers, particularly in relation to acronyms. Conversely, the SGs & Cs all agreed that acronyms should not be reserved, as reflected in the WG's consensus recommendations. It was recognized by the WG that third party entities may also have a legitimate right and interest to register and use similar acronym identifiers. Additionally, there was a common understanding in the WG that the IGO-INGO organizations have limited recourse with current curative protection mechanisms or have

increased cost associated to mitigating abuse of their associated identifiers, thus diverting funds away from serving the public interest.

The central difficulty with determining the most appropriate scope of protection for IGO and INGO identifiers lies with the different basis of legal protection that these organizations may enjoy, both vis-à-vis each other as well as in comparison to trademark and other intellectual property rights owners. Where certain INGOs such as the RCRC and the IOC enjoy a high level of international recognition and legal protection both by virtue of international treaty and various national laws, this is not necessarily true of all INGOs. Some IGOs, on the other hand, may not enjoy a high level of international renown, but nonetheless because of their status as IGOs, they are protected by international treaty and national laws. In regards to the scope of such international protection, IGO identifiers are largely protected only insofar as they are prohibited from trademark-like usage by third parties through the Paris Convention for Industrial Property, while the emblems of the RCRC and IOC are protected by two separate and distinct treaties. The WG therefore could not arrive at a set of uniform, objective criteria under which IGOs and INGOs could be protected as domain names. Instead, each type of organization was considered separately from the others, with the resulting four categories as listed in "Section a" above.

If the Board adopts the GNSO-approved recommendations, the full names of IGOs and INGOs will be protected against illegitimate registrations by third parties other than the protected organizations at both the top and second levels. IGO acronyms will enjoy limited protection at the second level through entry in the TMCH and participation in the 90-days claims notification process. In addition, the GNSO will be considering an Issue Report on modifying the existing UDRP and URS procedures in order to enable protected IGOs and INGOs to access and rely on these additional curative rights protection mechanisms. The GNSO SGs and Cs, as well as IGO and INGO representatives, are expected to be active participants in that discussion, since any PDP on amending these curative policies will impact existing dispute resolution processes currently in place for second-level gTLD domain names.

The GNSO Council recognizes that implementation of these protection recommendations may have a considerable impact on gTLD Registries, as these recommendations apply to both New

gTLDs and incumbent gTLDs. The following observations are offered by ICANN staff as a guide to the possible impacts to implementation that may exist.

First, technical implementation of second-level reservation recommendations on new gTLDs may not result in any major financial impact because it should only require gTLD Registries to update their systems to reflect the most recent version of the Reserved Names list noted in Specification 5 of the new gTLD Registry Agreement. With regards to TMCH/Claims protections, a Registry will pay a transactional fee for any additional names that become registered by Registrants where the TMCH is used to generate a match. It is anticipated that only acronyms added to the TMCH will have this associated charge, as it is less likely that any full names of the organizations being protected will match those of other existing organizations or entities wishing to register that full name. Implementation of second-level reservation recommendations on incumbent gTLDs are discussed in further detail below.

Secondly, because the IGO-INGO recommendations apply to all gTLDs and as noted in "Section a." above, another possible impact to gTLD Registries could depend on how the recommendations are deployed in incumbent gTLDs. The IGO-INGO WG discussed the impact of the second-level recommendations on existing gTLDs near the end of its deliberations and developed the list of implementation principles reproduced above. However, additional research and requirements gathering will be necessary not only to flesh out the extent of the technical issues that may arise, in addition to determining the most appropriate contractual mechanism by which to impose these new Consensus Policies across all gTLDs (as noted above).

Lastly, the design and implementation of the recommended Exception Procedures at the top and second level may impact gTLD Registries. ICANN staff and the future Implementation Review Team (IRT), should the ICANN Board adopt these recommendations, will need to determine the best solution for when a protected IGO-INGO organization wishes to register a specific identifier that is listed on the Reserved Names List(s)[14]. The IGO-INGO WG briefly discussed the use of the Registry Services Evaluation Process (RSEP), but no definitive solution was determined with the WG noting that the IRT in combination with staff will have to develop

[14] Note that Reserved Names List(s) are defined differently for the New gTLDs from that of the incumbent gTLDs.

the detailed requirements for second-level reservation exceptions. It is not expected that top-level "ineligible for registration" reservation of strings will likely have any impact on gTLD Registries, because most resource requirements will likely be fulfilled by ICANN staff. However, similar to the second-level exception procedure mentioned above, an exception procedure for top-level reservations will need to be developed for future rounds of the New gTLD Program.

d. An analysis of the period of time that would likely be necessary to implement the policy;

At the present time, it is difficult to estimate the time frame in which all IGO-INGO consensus recommendations can be implemented. Staff will need to carry out a further analysis in order to determine how these recommendations and the transition can be best managed. Recommendations that affect new gTLDs may also need to be prioritized as presumably there are benefits to having these implemented before a majority of new gTLDs are delegated. A non-exhaustive list of dependencies is as follows:

- The ICANN Board must also conclude its dialogue with the GAC regarding the GAC advice given to the Board on this issue.
- A considerable amount of resources will be required from ICANN staff, possibly competing against existing resources implementing the New gTLD Program.
- Greater analysis by staff, Deloitte, and IBM is required for any modifications to the TMCH and its associated process and procedures.
- Details in how the Consensus Policy will be deployed on incumbent gTLDs are dependent upon the IRT and staff to finalize the requirements for its implementation.

Given the ongoing implementation of the New gTLD Program and in particular the ongoing delegation of additional new gTLDs, it may be necessary to prioritize implementation issues relating to new gTLDs and the finalization of any resulting changes and measures that will need to be taken. Dialogue with incumbent gTLDs should also be commenced to discuss the other implementation issues discussed above.

e. The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest;

No outside advisors provided input to the Working Group.

f. The Final Report submitted to the Council

The IGO-INGO Final Report can be found here:

- IGO-INGO Final Report
  - Supplement A – Minority Positions
  - Supplement B – WG Consensus Call Tool
  - Supplement C – Public Comment Review Tool
  - Supplement D – Red Cross Red Crescent Societies Identifier List
- Translations of the Final Report will be available shortly (see http://gnso.icann.org/en/group-activities/active/igo-ingo).

g. A copy of the minutes of the Council deliberation on the policy issue, including the all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.

The GNSO Council deliberated the IGO-INGO PDP results and adopted the WG's recommendations during the ICANN 48 Buenos Aires meeting:

- Saturday GNSO Session: http://buenosaires48.icann.org/en/schedule/sat-gnso-working/transcript-transliteration-contact-16nov13-en.pdf
- Sunday GNSO Session: http://buenosaires48.icann.org/en/schedule/sun-gnso-working/transcript-igo-ingo-17nov13-en.pdf
- Wednesday GNSO Council Meeting: http://buenosaires48.icann.org/en/schedule/wed-gnso-council/transcript-gnso-council-20nov13-en.pdf

ADDITIONAL INFORMATION

h. Consultations undertaken

External

In additional to regular updates to the GNSO Council, workshops were organized to inform and solicit the input from the ICANN Community at ICANN meetings:

- ICANN 46 – Beijing: http://beijing46.icann.org/node/37039
- ICANN 47 – Durban: http://durban47.icann.org/node/39655

Constituency / Stakeholder Group Statements were requested as well as input from other ICANN Supporting Organizations and Advisory Committees at an early stage of the process. Almost all GNSO Stakeholder Groups and Constituencies provided input, in addition to the At-Large Advisory Committee (see https://community.icann.org/x/UQdlAg). As noted above, IGO and INGO representatives who participated in the WG also submitted Minority Positions which were included in full in the WG's Final Report.

Further, the WG also specifically considered GAC advice as submitted to the ICANN Board and via communiques after ICANN meetings. As mentioned in a previous section, the WG did not reach consensus on a single set of eligibility criteria that would lead to a definitive list of organizations and minimizing the number of organizations seeking protection. The WG ultimately used the GAC's advice relating to the RCRC, IOC and IGOs as the basis for eligibility and to generate its definitive list.

The WG also opened two public comment forums for its reports:

- Initial Report - http://www.icann.org/en/news/public-comment/igo-ingo-initial-14jun13-en.htm
- Draft Final Report - http://www.icann.org/en/news/public-comment/igo-ingo-final-20sep13-en.htm
    - PCRT Review tool: http://gnso.icann.org/en/issues/igo-ingo-final-public-comment-review-08nov13-en.pdf

All comments received were reviewed and considered by the IGO-INGO PDP Working Group (see section 6 of the Final Report).

Internal

Regular updates were provided to the different ICANN departments potentially affected by these recommendations (e.g. compliance, registrar/registry relations, and legal teams) under consideration and potential issues were raised with the IGO-INGO PDP WG. As one of the deliverables from the WG's Charter the General Counsel's Office provided research on whether it was aware of possible legal prohibitions with respect to registration of domains using the identifiers of the IGOs and INGOs at issue, or assignment by ICANN at the top level. Annex 5 of the WG's Final Report contains the research submitted to the WG.

i. Summary and Analysis of Public Comment Forum to provide input on the IGO-INGO Recommendations adopted by the GNSO Council prior to ICANN Board consideration

A public comment forum to solicit input on the recommendations prior to Board consideration was opened on 27 November 2013 (see http://www.icann.org/en/news/public-comment/igo-ingo-recommendations-27nov13-en.htm). The Comment Period closed on 18 December 2013 and 8 January 2014 was the close of the Reply Period. Thirty-nine comments were submitted in total.

A majority of the comments received were from IGOs reinforcing their position that the organizational acronyms should be protected based on their unique status and that the recommendations proposed by the IGO-INGO WG, and subsequently approved by the GNSO Council, were not sufficient. Specifically, the United Nations Office (UNO) submitted its comment on 12 Dec 2013 stating that the recommendations were inadequate to protect IGOs and that they do not address the inherent risk of private entities impersonating its subsidiary bodies. They also noted support in that acronyms should not be reserved without a possibility of reconsideration because certain legitimate interest may exist. Concluding the UNO's position, it is their view that protections should be preventative and not curative. On 18 Dec 2013, the last day of the comment period, twenty-nine other IGOs submitted comments in support of the UNO's statement, with a few of these IGOs submitting more detailed but similar comments in

support for protections of acronyms and their respective identifiers. After the close of the comment period, three additional IGO's submitted comments in support of acronym protection as well.

Five additional comments were submitted to the public comment forum. One comment came from the Internet Commerce Association (ICA) and the other two from individuals within the domain industry. Counter to the position of the IGO comments submitted, these three comments did not support any protections for IGO and INGO acronyms, citing property rights of others and equal access for legitimate use other than the organization requesting protections. The ICA also expressed support of the WG's recommendations with the exception of those recommendations that provided TMCH (Claims) protections for acronyms. Lastly, the RySG and ALAC submitted comments. The RySG stated support for the recommendations and the results of the bottom up process. ALAC resubmitted their Minority Position statement as appended to the WG's Final Report noting concerns with the group of consensus recommendations. The Public Comment Report is posted on the forum page.

j. Impact / Implementation Considerations from ICANN Staff

At this point, it is difficult to accurately size the resource requirements to implement all of the consensus recommendations. However there is a high degree of confidence that considerable ICANN staff resources will be required. Staff will need to carry out an analysis of scope and possible budget implications in order to determine how the implementation and the transition can be best managed. After which, staff will be in a position to share a proposed implementation plan with the IRT approved by the GNSO Council should the Board adopt the consensus recommedations. As part of this analysis, additional questions and/or issues may arise that staff would aim to address in consultation with the IRT. Additional time and resources are expected to ensure that the implementation is accompanied with requirements definition, and project plan(s) to ensure efficient implementation and communication of the new requirements to all parties involved, particularly given the ongoing implementation of the New gTLD Program. The following list depicts a non-exhaustive list of primary tasks that are likely to need considerable resources:

- Confirm final scope of identifiers to be protected and their respective language conversions.
- Review and revise (as needed) reserved lists for both incumbent and new gTLDs.
- Confirm processes and software development requirements for changes needed to accommodate for IGO-INGO entry into the TMCH.
- Coordinate the bulk addition of appropriate identifiers into the TMCH.
- Rewrite of Claims notice message sent during the 90-day Claims period(s) that better reflect the legal basis why an identifier triggers a notification.
- Develop exception procedures for reservation of names at the second-level and update the Applicant Guidebook for the next round of gTLDs for top-level reservations.
- Possible GNSO PDP on IGO-INGO access to curative rights mechanisms; pending a Final Issue Report and GNSO Council vote.
- Resolve reservation protection inconsistencies between temporary protections for the New gTLD Program and the final policies adopted by the Board.
- Updates to contracts or consensus policy advisories where necessary for incumbent gTLDs

Minority Positions on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process

STATUS OF THIS DOCUMENT

This is the Minority Position Statement for the Final Report on the Protection of IGO and INGO Identifiers in all gTLDs, by the stakeholders within the IGO-INGO WG.

1. RCRC

Minority Statement
of the International Red Cross and Red Crescent Movement[1]

on the Final Report on the Protection of IGO and INGO Identifiers in all gTLDs
Policy Development process

Submitted on 7 November 2013

(1) ***Introduction***: The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the 189 National Red Cross and Red Crescent Societies (hereafter the "Movement") provide this "minority position" to the soon to be released IGO/INGO Report. After several months of fruitful discussions within the Working Group, in which several representatives of the Movement have been active and regular participants, the recommendations and level of support identified in the IGO/INGO Report do not reflect the legal protections accorded to the Red Cross and Red Crescent and related designations and names under universally recognised international treaties (the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005) and under the domestic law in force in multiple national jurisdictions.

This Minority Statement assesses the recommendations listed in the IGO/INGO Report and provides further clarification to complement previous comments and submissions made throughout the GNSO PDP Working Group process. It notably expresses the dissent and regret of the respective Red Cross and Red Crescent organizations that the Working Group could not reach consensus on the extension of the permanent protections accorded to the designations of the emblems to the names of the respective components of the Movement (namely the names of the 189 National Red Cross and Red Crescent Societies, of the International Committee of the Red Cross (ICRC) and of the International Federation of Red Cross and Red Crescent Societies (IFRC).

(2) ***Red Cross and Red Crescent position on the respective Final IGO/INGO Report's recommendations***:

- IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 1 and 3 in Section 3.1: We support these recommendations, as they make permanent the temporary reservations of the Red Cross and Red Crescent designations at the top and second levels, as previously confirmed by ICANN's Board, and as set out in the Applicant Guidebook and in Annex 5 to the revised Registry Agreement.

- IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 2 and 4 in Section 3.1: We support these recommendations, as they would effectively place the Red

[1] See also the Summary of the Red Cross and Red Crescent position in the core of the Final Report, pages 64-65.

Cross and Red Crescent designations that are covered in Recommendations 1 and 3 on a "Modified Reserved Names List" and preserve the entitlement of Movement components to register relevant domain names should they require to do so in the future.

- IGO/INGO Report Red Cross Red Crescent Movement (RCRC) Recommendations 5, 6, 7 and 8. The Movement repeats its position that the preventive protection mechanisms foreseen under these recommendations (namely the Trademark Clearinghouse) are insufficient in order to fully protect the names or identifiers of the respective Red Cross and Red Crescent organizations. The Trademark Clearinghouse does not provide sufficient relief to the Movement and can not constitute an adequate substitute to an extension of the protections to "Scope 2" (Red Cross and Red Crescent) identifiers. Recommendations 5, 6, 7 and 8 only offer a time-bound early warning and stop short of offering effective and cost neutral relief for the Scope 2 identifiers. In addition, as the Movement has consistently put forward in its successive submissions to the process over the past two years, requiring the Red Cross or Red Crescent organizations to activate the remedies foreseen in the above recommendations would constitute a considerable burden on the Movement in both financial and human terms. The Movement maintains that the same protections afforded to the designations covered under Recommendations 1, 2, 3 and 4 should be extended to the names and identifiers of the respective Red Cross and Red Crescent organizations.

(3) ***Remaining request of the Red Cross and Red Crescent organisations***

It is noted with regret that the proposed recommendations of the Working Group to extend the top and second level protections to the exact match full names and identifiers of the respective Red Cross and Red Crescent organizations (as defined in the Working Group's so-called Scope 2 names or identifiers), as highlighted in Section 3.6 (Red Cross and Red Crescent Movement) of the IGO/INGO Report, did not reach a consensus level of support.

We hence maintain our longstanding understanding and request that the existing protections be duly extended to Scope 2 names, including in particular:

- the names (official and usual) of the 189 National Red Cross and Red Crescent Societies in English and in the respective national languages of the National Society concerned;
- the names of the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies in the six UN languages;
- the acronyms (initials) of the two international organizations within the Movement, namely the International Committee of the Red Cross (ICRC/CICR/CICV/MKKK) and the International Federation of Red Cross and Red Crescent Societies (IFRC / FICR / МФКК).

In line with our most recent Public Comment submitted on 17 July 2013 and the Public Comment provided by over 35 National Red Cross and Red Crescent Societies in different regions of the world on 1 November 2013, confirmation is hence sought that these designations be permanently protected from top and second level registration in the current and in all future application rounds. Our request is based on international law and the domestic law in force in multiple jurisdictions. It conforms to the universally approved requirements of the 1949 Geneva Conventions and their

Additional Protocols, which specifically protect the Red Cross and Red Crescent designations in both their protective function (as the designations of the protective emblems in times of armed conflict) and indicative function (to indicate a link to the Movement or any of its components).

Defining the protections to cover only the designations per se ("red cross", "red crescent" or "red crystal") and not the names of the organizations (e.g. "British Red Cross", "Croix-Rouge française", or "Afghan Red Crescent") would fail the requirements of international law and of the laws in force in multiple jurisdictions, which protect the designations at all times. It would also defeat the global public interest in preserving the names of the respective Red Cross and Red Crescent organizations from misuse, including fraud (a major risk, as witnessed in recent disasters during which websites were frequently and notoriously set up to divert donations to Red Cross and Red Crescent operations in favour of affected persons and communities). The adjectives composing the names of National Red Cross or Red Crescent Societies and indicating the latter's national affiliation (e.g. the word "American" in the name "American Red Cross") cannot be considered as a simple pre- or suffix. These form a full-fledged part of the names of the respective National Red Cross and Red Crescent Societies. It is noted in this regard that, under the 1991 Regulations on the use of the emblem by National Red Cross or Red Crescent Societies which have been adopted and approved by States, National Societies are required to use their full name for the purposes of identification.

The request to protect not only the designations *per se* but also the names of the respective Red Cross and Red Crescent organizations is also consistent with the objective and scope of the WG and the latter's mandate to consider the names and identifiers of relevant organizations.

Conclusion:

In light of the above, we respectively request that the GNSO

- adopt Recommendations 1, 2 , 3 and 4 on the International Red Cross and Red Crescent Movement and highlighted in Section 3.1 of the Final Report..

- confirm the unsupported Recommendations 1, 2, 3 and 4 highlighted on in Section 3.6 (Red Cross Red Crescent Movement) of the IGO/INGO Report.

We remain available to provide any further clarification on the above.

Stéphane J. Hankins
International Committee of the Red Cross (ICRC)

Christopher M. Rassi
International Federation of Red Cross and Red Crescent Societies (IFRC)

2. IOC

The IOC did not submit a minority statement. This placeholder is only meant to maintain continuity with the structure by which the organizations seeking protection are presented in the Final Report.

3. IGO

Minority Statement on the GNSO IGO-INGO PDP Working Group Recommendations

This statement is being made on behalf of a consortium of over 40 Public International Organizations and 15 United Nations Funds and Programs (together, IGOs).

With regard to the question of the principle and extent of any envisaged protection for certain non-governmental entities, even if of comparative relevance to IGO protection, IGOs will not provide additional observations on this question in the more limited context of the present document.

Effective protection for IGO identifiers remains a critical priority for our organizations in the exercise of our public mandate.

IGOs have been actively engaged in good faith with diverse ICANN bodies and advisory committees, including with the PDP Working Group, on the issue of obtaining necessary preventative protections for IGO identifiers (names and acronyms) at the top and second level. IGOs have provided extensive documentation and comments to inform and facilitate the various processes, including this PDP. The PDP Working Group has been informed of IGO views on many occasions via its IGO delegates (UPU, WIPO and OECD).

The PDP Working Group has now reached the point where members of the Working Group have been asked to make responses to selected recommendations on the issue of IGO and INGO protections. As a preliminary observation, the IGO coalition wishes to express three concerns about this approach.

First, the structure of the recommendation matrix is such that it presents recommendations in separate components. This creates the risk that comments made or support indicated may be read out of context to apply only to an individual component, rather than the broader combination thereof.

Second, as indicated above, the IGOs participating in this Working Group represent a broad consortium of Public International Organizations and United Nations Funds and Programs. Through their membership of governments and through their activities, these in turn represent a global scope of stakeholders in recognized public causes. In light of this, should IGOs remain alone in items of opposition, such opposition should not be masked by a qualifier of “consensus” (as defined on ICANN’s scale as “a position where only a small minority disagrees, but most agree”). A far more accurate description of such scenario on ICANN’s scale would be

"strong support but significant opposition". We trust that the Working Group's leadership will work to avoid any misrepresentations in this regard.

Third, IGOs are concerned that the presentation of the recommendation matrix, with a final page of "Recommendations Not Receiving Adequate Support For All Organizations", may result in the latter recommendations not receiving equal weight in the presentation of outcomes. Although naturally not every potential recommendation could be included, the IGO's position is of fundamental relevance to the issue of IGO protection. This is all the more so when the need to provide preventative protection to IGO names and acronyms in new gTLDs, at both the top level in future rounds and the second level in all rounds, has unequivocally been recognized by ICANN's Governmental Advisory Committee (GAC) as a matter of global public policy.

IGOs are extremely concerned that the recommendations proposed by the PDP Working Group to the GNSO Council are not fully in line with such GAC advice, which has been accepted by the Board, subject to clarification of certain implementation issues for second level protection of acronyms on which a dialogue is currently in progress.

In particular, IGOs are vehemently opposed to any recommendations which propose protections for IGO full names, but not acronyms. As already expressed on many occasions, the majority of IGOs are best-known by their acronyms and it is these which have suffered and will time and again suffer misuse in the DNS. Therefore a proposal to protect full names only would practically equate to proposing no protection at all. Such an unreasonable proposal would not only disregard GAC advice, international treaties and national laws, but also defy reality and common sense. Furthermore, any acronym protection that would not be preventative would ignore the legal status of IGOs as distinct from other entities, and would merely put IGOs in the position of being informed as to any prospective or actual abuse, without a far more appropriate option to prevent such abuse in the first place.

The enclosed IGO Common Consolidated Position Paper, which was addressed to the Chairs of the ICANN Board, New gTLD Program Committee, Governmental Advisory Committee, and President and CEO, as well as to the PDP Working Group during the public consultation process, summarizes the essential considerations for the protection for IGO identifiers. We refer all interested parties to this document.

Sincerely yours,

(OECD) (WIPO) (UPU)

On behalf of the IGO Coalition

4. INGO

International Organization for Standardization (ISO) & International Electrotechnical Commission (IEC) (INGOs):

Joint ISO-IEC Statement on the Final Report on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process (Final Report)

This serves as a joint Statement on behalf of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) with respect to the Final Report. ISO and IEC are non-profit international non-governmental organizations (INGOs) that develop and publish international standards. Our respective national members represent standardization efforts in over 150 countries and we have published thousands of international standards used on a worldwide basis.

Our standards aim to level the playing field for developing countries, facilitate free and fair global trade, and help companies to access new markets. They also help to ensure that products and services are safe, reliable and of good quality.

From the beginning of our participation in the IGO-INGO Working Group, we have advocated for not only INGOs but all international organizations that face the almost certain risk of increased abuse of their names/acronyms as more top-level domains enter the domain name system.

We cannot overemphasize that non-profit INGOs with global public missions are particularly vulnerable when it comes to facing this mounting risk of cybersquatting. This is because INGOs often lack the mandate, funds, expertise and resources to do so. And when they do, the fight can come at the cost of diverting (often public) resources away from serving the global community, including helping to make technology and communication, the Internet and the domain name system easier and safer for all to use.

When discussing the need for special protections for the names/acronyms of international organizations in top and second-level domains, we should not ignore INGOs.

1. Universal Objective Criteria.

From the start of the Working Group's deliberations, we have emphasized the importance of finding one set of objective criteria for granting international organizations special protection. We were concerned that otherwise, tailor-made qualification criteria would effectively match certain *organizations* instead of describing the select *category* of international organizations that should be granted special protection based on the legal and policy rationale for doing so.

The current Recommendations however split international organizations into two categories and set apart two specific international organizations. We do not support this distinction.

To be clear, we support a set of universal objective criteria for all international organizations that would receive special protection in second and top level domains.

2. INGO Recommendations.

Absent a set of universal objective criteria, in the first place, we continue to support the criteria proposed by ISO and IEC as it appeared in the "Initial Report on Protection of IGO and INGO Identifiers in All gTLDs" of June 14, 2013, and as it appears in the Final Report

The INGO Qualification Criteria follow;

i. The INGO benefits from some privileges, immunities or other protections in law on the basis of the INGO's proven (quasi-governmental) international status;
ii. The INGO enjoys existing legal protection (including trademark protection) for its name/acronym in over 50+ countries or in three (of five) ICANN regions or alternatively using a percentage: more than 50%;
iii. The INGO engages in recognized global public work shown by;
a. inclusion on the General Consultative Status of the UN ECOSOC list, or
b. membership of 50+ national representative entities, which themselves are governmental/ public agencies or non-governmental organizations that each fully and solely represent their respective national interests in the INGO's work and governance.

The relevant Final Report Recommendations rely on reference to the United Nations Economic and Social Council's (ECOSOC) list of non-governmental organizations in consultative status with the ECOSOC.

While we believe this list is neither as narrowly tailored nor as flexible as the proposed ISO-IEC criteria, we do believe that it provides a way forward for granting protection of INGO names in second and top level domains.

As such, we fully support the current Recommendations for special protections of INGO names and acronyms as was originally shown in our response to the Consensus Call.

3. Recommendations Not Receiving Support for All Organizations.

We strongly oppose any recommendation to block the acronyms of international organizations, or to place any permissions-based or inappropriate and burdensome delays or process on the application and registration of acronyms as second or first top level domains by trademark owners of such acronyms.

See Letter from Mr. Rob Steele to Dr. Stephen D. Crocker of May 13, 2013. And subsequent request from the International Sugar Organization to change its GAC-provided acronym "ISO" to "ISOSUGAR" for these protections, Letter from James Lowe to Steve Crocker and Fadi Chehadé of May 29, 2013.

Respectfully submitted,

Ms. Guilaine Fournet
Head of Sales and Business Development
International Electrotechnical Commission (IEC)

Ms. Claudia MacMaster Tamarit, Esq.
Intellectual Property Rights Manager
International Organization for Standardization (ISO)

5. NCSG

On reserved names:

There appears to be a consensus in the IGO-INGO WG to provide special protections for IGOs, INGO, the RCRC and even the IOC at the second level. While we believe this is unfortunate, it does seem to be the accepted. This means that the reserved names list will grow exponentially by 1 or possibly 2 orders of magnitude.

Buried within this increase in the size of the reserved name list is the recommendation for an exemption that would allow for these reserved names to be registered under some circumstances, such as by the organization to whom it is related or by someone who gets permission to register from the relevant IGO or IGNO.

We believe that this notion of an exemption is a fertile ground for abuse that has not be adequately studied by this working group; we admit such a discussion is difficult. We also believe that any such exemption procedure essentially creates a new kind of reserved name that has not been adequately understood and for which there are no policy recommendations on how it should be implemented.

Our minority opinion is that exceptions for the registration of the reserved names be postponed until such time as there has been a PDP on reserved names and the process by which exceptions might be made. In the meantime, our minority recommendation is that these names be treated as names currently on the reserved names are treated, i.e. the only way for such names to be registered as domain names, at the second level is through the Registry Service Evaluation Process (RSEP) process.

On the treatment of reserved names already registered by incumbent registries:

The recommendations extend the expanded reserved names list to the incumbent registries. Quite reasonably registrants who already have these names will be allowed to keep them and for any abuse to be handled under the enhanced RPMs as recommended by WG. Our minority view extends to what happens when the registrant of such a reserved names wishes to sell or otherwise

transfer the name to another registrant. Allowing such a transfer goes against the nature of the reserved names list and opens an avenue for abuse.

Our recommendation is that all names added to the reserved names list be blocked from sale/transfer to a new registrant at least until such time as a PDP on reserved names has considered the issue in the light of their possible changes to the nature of reserved names.

6. ALAC

ALAC Minority Statement on the Final Report on the Protection of IGO and INGO Identifiers in All gTLDs PDP

The ALAC has made a number of statements on the protection of IGO and INGO names, and has participated actively in all GNSO activities related to this topic. Our views on specific outcomes of this PDP are reflected in the Final Report.

Given the wide range of views expressed in this report, and noting that nothing presented has received the unanimous support of the PDP Working Group, the ALAC would like to take this opportunity to comment on the nature of the Recommendations as well as identify the principles that have guided its positions.

The Draft Final Report includes a wide variety of Recommendations some reflecting a WG Consensus (as defined by the GNSO Working Group Guidelines) some with an even weaker level of support. Not a single one was agreed to by all WG members (Full Consensus), a level of support that is more typical of most GNSO PDPs. For many of the recommendations originally considered by the WG and strongly supported by some, the overall participant views were Divergent. The collection of Recommendations with Consensus level or Strong support, taken as a whole, does not form a cohesive and consistent set of policies. Although each individual Recommendation received sufficient support, the net result is a set of Recommendations that may be incomplete and perhaps even conflicting.0F[2]

The ALAC is particularly concerned that granting blocking-level protections may prohibit other reasonable uses of the same strings, and is not satisfied that the exception procedure options outlined in the report could meet the targets that the ALAC believes are mandatory.

This being the case, it may be important to consider the principles that guided the ALAC in our participation in the activities that led to this report, and that the ALAC believes should guide ICANN in considering any special protections.

[2] As an example, there may be cases where a strong protection is not recommended, but the recommendations may be silent on weaker forms of protection.

1. ICANN should grant special protection to organizations that further the public interest and in particular, those with a strong track record of humanitarian activities. However, such protections should only be granted where there is a history or reasonable expectation that the lack of protections would lead to the misrepresentation of the organizations, fraud, deliberate confusion, or other malfeasance.

2. Such protections, when granted, should not unreasonably impinge on the ability of others with a valid right to use the protected string from registering such names for uses which do not negatively impact the protected organization nor use the protected name with the intent to deceive users. Formal trademarks should not be necessary to demonstrate such a right.1F[3]

3. The procedures used to grant the protection exceptions identified in number 2 must be both inexpensive and fast.

4. No top level protections are necessary. Existing or new objection processes are sufficient.

[3] Although not a gTLD registration, cern.ca is a good example. The Centre d'exposition de Rouyn-Noranda in northern Quebec has no connection or even a vague relationship with the Conseil Européen pour la Recherche Nucléaire, but they do happen to share an acronym. In the gTLD space, Olympic.diy is a prime example of a new registration that might not be allowed under the proposed rules even though the TLD (diy = Do-it-yourself) is a logical registration for Olympic Paints.

REFERENCE MATERIALS – BOARD PAPER NO. 2014.02.07.2b

TITLE: **Formation of Board Working Group on Nominating Committee Recruitment & Selection Process and Size & Composition**

Document/Background Links

The following attachments are relevant to the Board's consideration of the Formation of Board Working Group on Nominating Committee Recruitment & Selection Process and Size & Composition.

Attachment A is the Charter for Board Working Group on Nominating Committee Recruitment & Selection Process and Size & Composition.

Submitted by: Denise Michel & Larisa Gurnick

Position: VP Strategic Initiatives & Consultant/Sr. Director of Organizational Reviews

Date Noted: 15 January 2014

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Charter for Board Working Group on Nominating Committee
Recruitment & Selection Process and Size & Composition

Background/Purpose

In its Final Report issued in January 2010, the Nominating Committee (NomCom) Review Finalization Working Group did not address the size or composition of the NomCom but rather, at Recommendation 10, recommended follow-up and consideration of this issue in three years. Consistent with the final report recommendations, the NomCom size and composition issue should now be addressed.

This also includes the issue of recruitment. In Recommendation 10, there was recognition that the use of the NomCom as a recruitment committee required *more* membership, while the deliberative processes of the NomCom would likely benefit from a smaller membership. Though other portions of the NomCom Review Working Group Final Report, such as Recommendation 4, noted that the NomCom had already begun working toward separation of the recruitment role, that separation has not been thoroughly achieved.

As a result, any consideration of the composition and size of the NomCom in line with the three-year follow-up suggested at Recommendation 10 naturally includes additional consideration of the potential separation of the recruitment and selection functions.

The **Board Working Group on Nominating Committee (BWG-NomCom)** will conduct the follow-up effort in line with the recommendations of the Review Finalization Working Group.

The purpose of the BWG-NomCom is to execute the recommendation of the Review Finalization Working Group (recommendation 10) to address the size and composition of the NomCom, as well as address the related issues, including:

- Whether a representational model is appropriate for the NomCom in the future;
- Determination of the appropriate length of term of service by NomCom members and whether term limits should be imposed;
- Whether the NomCom should continue to fill other key positions in addition to Board members.

This follow-up effort will also consider any relevant input from the work of the second Accountability and Transparency Review Team (ATRT 2), which issued its Final Report on 31 December 2013, as well as other relevant developments.

The BWG-NomCom will issue recommendations, as appropriate.

Responsibilities

In preparing for the needed Board decisions, the BWG-NomCom shall:

a. Undertake a factual analysis to determine whether the ICANN NomCom's current composition as well as the recruiting and selection meet the requirements;

b. Analyze and assess data gathered based on a set of appropriate benchmarks and metrics;

c. Perform outreach to assess feasibility of the alternative measures identified;

d. Consider and factor in, as appropriate, parallel projects (for example, ATRT2 and Strategic Planning);

e. Summarize the findings from steps above and recommend actions to be taken in a draft report for public comment;

f. Evaluate public comments received, adapt the draft report findings as appropriate in preparing a final report, for consideration and decision by the ICANN Board.

Membership

The membership of the BWG-NomCom is proposed to include up to eight Board members, in line with the composition of the previously assembled Review Finalization Working Group. The SIC suggest that the Board consider the option of adding non-Board members for additional community perspective.

Timeline

The BWG-NomCom shall plan its work to comply with the following milestones. The SIC recognizes that this timeline may need to be adjusted in order to accommodate discussions and consultations with the community.

- 2 June 2014: Draft report delivered to the Structural Improvements Committee (SIC)

- ICANN 50 (22-26 June 2014): Draft report for Board discussion and publication for public comment, as appropriate.

- July 2014: draft report published for public comment

- Mid-August 2014: end of public comment period

- 10 September 2014 (Board Workshop): SIC considers final report modified in light of comments and suggests Board action

- ICANN 51 (12-17 October 2014): Final report submitted to Board for approval

References

a. Final report of the NomCom Review Finalization Group issued in January 2010 http://www.icann.org/en/groups/reviews/nomcom/nomcom-review-finalization-wg-final-report-29jan10-en.pdf .

b. Nominating Committee Improvements Implementation Project Plan adopted in March 2012 http://www.icann.org/en/groups/reviews/nomcom/nomcom-improvements-implementation-plan-01mar12-en.pdf

REFERENCE MATERIALS – BOARD PAPER NO. 2014.02.07.2c

TITLE: **GNSO Thick Whois PDP Recommendations**

Document/Background Links

The following attachments are relevant to the Board's consideration of GNSO Thick Whois PDP Recommendations.

Attachment A is the GNSO Council Report to the ICANN Board on Thick Whois Policy Development Process.

Attachment B is the Final Report on the Thick Whois Policy Development Process.

Submitted by: Marika Konings

Position: Senior Policy Director and Team Leader for the GNSO

Date Noted: 29 January 2014

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GNSO Council Report to the ICANN Board

Thick Whois PDP

Executive Summary

The Generic Names Supporting Organization (GNSO) unanimously approved at its meeting on 10 October 2013 the recommendation of the Thick Whois Policy Development Process (PDP), namely:

- The provision of thick Whois services, with a consistent labeling and display as per the model outlined in specification 3 of the 2013 RAA[1], should become a requirement for all gTLD registries, both existing and future.

Under the ICANN Bylaws, the Council's unanimous (supermajority) support for the motion obligates the Board to adopt the recommendation unless by a vote of more than 66%, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

a. A clear statement of any Successful GNSO Vote recommendation of the Council

The Generic Names Supporting Organization (GNSO) unanimously approved at its meeting on 10 October 2013 the following recommendations on the Thick Whois (PDP):

- #1: The provision of thick Whois services, with a consistent labelling and display as per the model outlined in specification 3 of the 2013 RAA[1], should become a requirement for all gTLD registries, both existing and future.
- #2: Following the adoption of the Final Report report and recommendations by the GNSO Council, the subsequent public comment forum (prior to Board consideration) and the notification by the ICANN Board to the GAC, specifically request input on any considerations related to the transition from thin to thick Whois that would need to be taken into account as part of the implementation process. (**completed**)

[1] http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm#whois

- #3: As part of the implementation process a legal review of law applicable to the transition of data from a thin to thick model that has not already been considered in the EWG memo[2] is undertaken and due consideration is given to potential privacy issues that may arise from the discussions on the transition from thin to thick Whois, including, for example, guidance on how the long-standing contractual requirement that registrars give notice to, and obtain consent, from each registrant for uses of any personally identifiable data submitted by the registrant should apply to registrations involved in the transition. Should any privacy issues emerge from these transition discussions that were not anticipated by the WG and which would require additional policy consideration, the Implementation Review Team is expected to notify the GNSO Council of these so that appropriate action can be taken.

Under the ICANN Bylaws, the Council's unanimous (supermajority) support for the motion obligates the Board to adopt the recommendation unless by a vote of more than 66%, the Board determines that the policy is not in the best interests of the ICANN community or ICANN.

b. If a Successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the constituency(ies) or Stakeholder Group(s) that held the position;

N/A

c. An analysis of how the issue would affect each constituency or Stakeholder Group, including any financial impact on the constituency or Stakeholder Group;

The GNSO Council expects numerous benefits as a result of requiring thick Whois for all gTLD registries, as outlined in the Thick Whois PDP Final Report (see http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf). Nevertheless, the GNSO Council recognizes that a transition of the current thin gTLD registries would affect over 120 million domain name registrations and as such it should be carefully prepared and implemented. Furthermore, the GNSO Council points out that some considerations in relation to financial

[2] See http://forum.icann.org/lists/gnso-thickwhoispdp-wg/pdfLtpFBYQqAT.pdf

impact are covered in section 5.6 of the Final Report- cost implications. Overall, the GNSO Council expects that there will be a one-off cost involved in the actual transition from thin to thick, but it also notes that considering synergies in the implementation process may minimize such costs. For example, instead of requiring all registrar data to be transferred to the registry at a certain point in time, this could coincide with the submission by the registrar of the data to the escrow agent so that it may only involve minor adjustments to submit that data to the gTLD operator. Also, as virtually all registrars already deal with thick TLDs and the only registry currently operating thin gTLDs also operates thick gTLDs, it is the expectation that there is hardly no learning curve or software development needed.

d. An analysis of the period of time that would likely be necessary to implement the policy;

In addition to the legal review of law applicable to the transition of data from a thin to thick model that has not already been considered in the EWG memo[3], Staff will need to carry out a further analysis in order to determine how this recommendation and the transition can be best managed. Furthermore the GNSO Council notes that specific consideration will need to be given to the timeline for implementation, noting that in certain cases more time may be needed than in others to meet the requirements, but the GNSO Council does emphasize that implementation of one part of the recommendation (for example, transition of existing thin gTLD registries to thick model) should not unnecessarily delay the implementation of another part of the recommendation (for example, the consistent labeling and display of such data). The GNSO Council does recommend that as part of the implementation a team is formed consisting of experts from the parties that will be most affected by this transition, together with ICANN Staff, to work out such details. It is the expectation that any implementation plan would be shared with the ICANN Community for input.

e. The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest;

[3] See http://forum.icann.org/lists/gnso-thickwhoispdp-wg/pdfLtpFBYQqAT.pdf

No outside advisors provided input to the Working Group, but it is worth noting that the PDP WG consulted with a number of individuals involved in the transition of .org from a thin to thick model on a few occasions to learn from their experiences.

f. The Final Report submitted to the Council

The Thick Whois Final Report can be found here: http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf. Translations of the Final Report will be available shortly (see http://gnso.icann.org/en/group-activities/active/thick-whois).

g. A copy of the minutes of the Council deliberation on the policy issue, including the all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.

See http://gnso.icann.org/en/meetings/minutes-council-31oct13-en.htm.

ADDITIONAL INFORMATION

h. Consultations undertaken

External

In additional to regular updates to the GNSO Council, workshops were organized to inform and solicit the input from the ICANN Community at ICANN meetings (see for example http://durban47.icann.org/node/39777 and http://beijing46.icann.org/node/37029).

Constituency / Stakeholder Group Statements were requested as well as input from other ICANN Supporting Organizations and Advisory Committees at an early stage of the process. Almost all GNSO Stakeholder Groups and Constituencies provided input, in addition to the At-Large Advisory Committee (see https://community.icann.org/x/WIRZAg).

The WG also opened a public comment forum on the Initial Report on 21 June 2013.

All comments received have been reviewed and considered by the Thick Whois PDP Working Group (see section 6 of the Final Report).

Internal

Regular updates were provided to the different ICANN departments potentially affected by these recommendations (e.g. compliance, registrar/registry relations teams) under consideration and potential issues were raised with the Thick Whois PDP Working Group.

i. Summary and Analysis of Public Comment Forum to provide input on the Thick Whois Recommendations adopted by the GNSO Council prior to ICANN Board consideration

A public comment forum to solicit input on the recommendations prior to Board consideration was opened on 6 November 2013 (see http://www.icann.org/en/news/public-comment/thick-whois-recommendations-06nov13-en.htm). 4 comments in support of the recommendations were received at the closing of the public comment forum (see report of public comments at http://www.icann.org/en/news/public-comment/report-comments-thick-whois-recommendations-06jan14-en.pdf).

j. Impact / Implementation Considerations from ICANN Staff

In relation to the legal review of law applicable to the transition of data from a thin to thick model that has not already been considered in the EWG memo[4], as recommended by the GNSO Council, based on the input received as part of the public comment forum as well as possible GAC input, staff will need to analyze the scope and possible budget implications of such a review to determine when and how such a review can be carried out. Any consideration of such a review would also have to take into account the propriety of ICANN providing legal advice and research to its contracted parties. Following that, as noted above, Staff will need to carry out a further analysis in order to determine how the implementation and the transition can be best managed.

After that, staff would be in a position to share a proposed implementation plan with the

[4] See http://forum.icann.org/lists/gnso-thickwhoispdp-wg/pdfLtpFBYQqAT.pdf

Implementation Review Team, that the GNSO Council has decided to form. As part of this analysis, additional questions and/or issues may arise that staff would aim to address in consultation with the Implementation Review Team. Additional time and resources are expected to be needed to ensure that the implementation is accompanied by the appropriate materials to ensure efficient implementation and communication of the new requirements to all parties involved.

Final Report on the Thick Whois Policy Development Process

STATUS OF THIS DOCUMENT

This is the Final Report on thick Whois, prepared by ICANN Staff for submission to the GNSO Council on 21 October 2013.

SUMMARY

This report is submitted to the GNSO Council as a required step in this GNSO Policy Development Process on thick Whois.

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1. Executive Summary

1.1 Background

ICANN specifies Whois service requirements for generic top-level domain (gTLD) registries through the Registry Agreement (RA) and the Registrar Accreditation Agreement (RAA). Registries and registrars satisfy their Whois obligations using different service models. The two common models are often characterized as "thin" and "thick" Whois registries. This distinction is based on how two distinct sets of data are managed. One set of data is associated with the domain name, and a second set of data is associated with the registrant of the domain name.

- A thin registry only stores and manages the information associated with the domain name. This set includes data sufficient to identify the sponsoring registrar, status of the registration, creation and expiration dates for each registration, name server data, the last time the record was updated in its Whois data store, and the URL for the registrar's Whois service.
- With thin registries, registrars manage the second set of data associated with the registrant of the domain and provide it via their own Whois services, as required by Section 3.3 of the RAA for those domains they sponsor. COM and NET are examples of thin registries.
- Thick registries maintain and provide both sets of data (domain name and registrant) via Whois. INFO and BIZ are examples of thick registries.

The IRTP B Working Group recommended requesting an Issue Report on the requirement of thick Whois for all incumbent gTLDs in its 30 May 2011 Final Report. The primary goal of that recommendation was to provide a secure mechanism for a gaining registrar to obtain contact information for use in inter-registrar transfers of domain names. The IRTP C Working Group subsequently recommended separating the processes of "transfers between registrars" and "transfers between registrants." This recommendation heightens the need for a mechanism to obtain contact information about the current registrant.

Following the IRTP-B recommendation, the GNSO Council requested an Issue Report on thick Whois at its meeting on 22 September 2011. The Issue Report was expected to '*not only consider a possible requirement of thick Whois for all incumbent gTLDs in the context of IRTP, but should also consider*

any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of thick Whois for all incumbent gTLDs would be desirable or not'.

Following the delivery of the Final Issue Report, the GNSO Council initiated a Policy Development Process at its meeting of 14 March 2012.

The Thick Whois Working Group published its Initial Report on 21 June 2013 in conjunction with the opening of a public comment forum (see section 6 for further details).

Following review of the comments received and continued deliberations, the WG has now finalized its report and submits it to the GNSO Council for its consideration.

1.2 Deliberations of the Working Group

- The thick Whois Working Group started its deliberations on 13 November 2012 where it was decided to continue the work primarily through weekly conference calls, in addition to e-mail exchanges.
- Section 5 provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads.
- The WG created a number of sub-teams to review the comments received and address the different issues outlined in its charter which include:
  - Response consistency
  - Stability
  - Access to Whois data
  - Impact on privacy and data protection
  - Cost implications
  - Synchronization / migration
  - Authoritativeness
  - Competition in registry services
  - Existing Whois applications
  - Data escrow

- Registrar Port 43 Whois requirements

- The findings and conclusions for each of these topics can be found in section 5 of the report.

1.3 Community Input

- The WG reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input (see Annex B and C) at the start of its deliberations. The WG developed a matrix (located in Annex E) that it used to assess the input received in relation to the Charter Topics. This matrix, in addition to the summary of the comments, formed the basis for sub-team as well as Working Group discussions in relation to the different topics, the results of which have been outlined in section 5 of this report.
- Following the publication of its Initial Report on 21 June 2013, a public comment forum was opened to which eleven (11) community contributions were received (see report of public comments). In addition, the WG held a public workshop at the ICANN meeting in Durban to solicit input. Based on the input received, the WG developed a public comment review tool, which it used to review and respond to all contributions received. In addition, there where appropriate, the report has been updated based on the comments received.

1.4 Conclusion & WG Recommendations

- Although the WG recognizes that there are broader issues with Whois and the underlying protocol, the WG was specifically tasked to only provide the GNSO Council 'with a policy recommendation regarding the use of thick Whois by all gTLD registries, both existing and future'. Following its analysis of the different elements, as outlined in the WG Charter, which has been detailed in section 5 of this report, on balance the Working Group concludes that there are more benefits than disadvantages to requiring thick Whois for all gTLD registries. As a result, the Working Group recommends that:

#1: The provision of thick Whois services, with a consistent labelling and display as per the model outlined in specification 3 of the 2013 RAA[1], should become a requirement for all gTLD registries, both existing and future.

Furthermore, the WG recommends that**:**

#2: Following the adoption of this report and recommendations by the GNSO Council, the subsequent public comment forum (prior to Board consideration) and the notification by the ICANN Board to the GAC, specifically request input on any considerations related to the transition from thin to thick Whois that would need to be taken into account as part of the implementation process.

#3: As part of the implementation process a legal review of law applicable to the transition of data from a thin to thick model that has not already been considered in the EWG memo[2] is undertaken and due consideration is given to potential privacy issues that may arise from the discussions on the transition from thin to thick Whois, including, for example, guidance on how the long-standing contractual requirement that registrars give notice to, and obtain consent, from each registrant for uses of any personally identifiable data submitted by the registrant should apply to registrations involved in the transition. Should any privacy issues emerge from these transition discussions that were not anticipated by the WG and which would require additional policy consideration, the Implementation Review Team is expected to notify the GNSO Council of these so that appropriate action can be taken.

- The Working Group has arrived at full consensus on these recommendations.
- The WG expects numerous benefits as a result of requiring thick Whois for all gTLD registries. Nevertheless, the WG recognizes that a transition of the current thin gTLD registries would affect over 120 million domain name registrations and as such it should be carefully prepared and implemented. In section 7.2, the WG outlines a number of implementation considerations. In section 7.3 the WG also provides other observations that emerged from this discussion which while not directly related to the question of thin or thick did and should receive due consideration by other bodies.

[1] http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm#whois
[2] See http://forum.icann.org/lists/gnso-thickwhoispdp-wg/pdfLtpFBYQqAT.pdf

2. Objective and Next Steps

This Final Report on thick Whois is prepared as required by the GNSO Policy Development Process as stated in the ICANN Bylaws, Annex A (see http://www.icann.org/general/bylaws.htm#AnnexA). This Final Report is based on the Initial Report of 21 June 2013 and has been updated to reflect the review and analysis of the comments received by the Thick Whois Working Group, in addition to further deliberations. This report is submitted to the GNSO Council for its consideration. The conclusions and recommendations for next steps on the issues included in this PDP are outlined in Section 7 of this report.

3. Background

3.1 Process background

- The IRTP B Working Group recommended requesting an Issue Report on the requirement of thick Whois for all incumbent gTLDs in its 30 May 2011 Final Report. That recommendation went on to state:

  The benefit would be that in a thick registry one could develop a secure method for a gaining registrar to gain access to the registrant contact information. Currently there is no standard means for the secure exchange of registrant details in a thin registry. In this scenario, disputes between the registrant and admin contact could be reduced, as the registrant would become the ultimate approver of a transfer.

- Following that recommendation, the GNSO Council requested an Issue Report on thick Whois at its meeting on 22 September 2011. The Issue Report was expected to '*not only consider a possible requirement of thick Whois for all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of thick Whois for all incumbent gTLDs would be desirable or not'.*
- In accordance with the proposed revised GNSO Policy Development Process, a Preliminary Issue Report was published for public comment on 21 November 2011. Following review of the public comments received, the Staff Manager updated the Issue Report accordingly and included a summary of the comments received, which was submitted as the Final Issue Report to the GNSO Council on 2 February 2012.
- The GNSO Council initiated a Policy Development Process at its meeting of 14 March 2012 (see http://gnso.icann.org/resolutions/#20120314-1), but decided subsequently to delay next steps due to workload concerns. In the end, a drafting team to develop a charter for the PDP WG was formed in August 2012 and presented the proposed charter to the GNSO Council for consideration in October 2012. The GNSO Council adopted the charter on 17

October 2012 (see http://gnso.icann.org/en/council/resolutions#20121017-3) following which a call for volunteers was launched and the PDP Working Group formed.

- The Thick Whois Working Group published its Initial Report on 21 June 2013 in conjunction with the opening of a public comment forum (see section 6 for further details).
- Following review of the comments received and continued deliberations, the WG has now finalized its report and submits it to the GNSO Council for its consideration.

3.2 Issue background

- Difference between thick vs. thin Whois[3]:

For the generic top-level domain (gTLD) registries, ICANN specifies Whois service requirements through the Registry Agreement (RA) and the Registrar Accreditation Agreement (RAA). Registries satisfy their Whois obligations using different services. The two common models are often characterized as "thin" and "thick" Whois registries. This distinction is based on how two distinct sets of data are managed. One set of data is associated with the domain name, and a second set of data is associated with the registrant of the domain name. A thin registry only stores and manages the information associated with the domain name. This set includes data sufficient to identify the sponsoring registrar, status of the registration, creation and expiration dates for each registration, name server data, the last time the record was updated in its Whois data store, and the URL for the registrar's Whois service. With thin registries, registrars manage the second set of data associated with the registrant of the domain and provide it via their own Whois services, as required by Section 3.3 of the RAA for those domains they sponsor. COM and NET are examples of thin registries.

Thick registries maintain and provide both sets of data (domain name and registrant) via Whois. INFO and BIZ are examples of thick registries.

To illustrate thick and thin Whois, consider the Whois response for two domains, cnn.com

[3] From the Whois Service Requirements Report (July 2010)

and cnn.org. Both domains are registered by Turner Broadcasting System and have the same technical and administrative contact information, but one of the registrations is managed in a thin registry (COM) manner and the other is in managed as a thick registry (ORG).

If we query COM's Whois server for cnn.com, we get the following results:

```
Domain Name: CNN.COM
Registrar: CSC CORPORATE DOMAINS, INC.
WHOIS Server: whois.corporatedomains.com
Referral URL: http://www.cscglobal.com
Name Server: NS1.TIMEWARNER.NET
Name Server: NS3.TIMEWARNER.NET
Name Server: NS5.TIMEWARNER.NET
Status: clientTransferProhibited
Updated Date: 04-feb-2010
Creation Date: 22-sep-1993
Expiration Date: 21-sep-2018[4]
```

However, if we query the .org's Whois server, we get both the domain and registrant Whois information:

```
Domain ID:D5353343-LROR
Domain Name:CNN.ORG
Created On:16-Apr-1999 04:00:00 UTC
Last Updated On:04-Feb-2010 22:48:15 UTC
Expiration Date:16-Apr-2011 04:00:00 UTC
Sponsoring Registrar:CSC Corporate Domains, Inc. (R24-LROR)
Status:CLIENT TRANSFER PROHIBITED
Registrant ID:1451705371f82308
Registrant Name:Domain Name Manager
Registrant Organization:Turner Broadcasting System, Inc.
Registrant Street1:One CNN Center
Registrant Street2:13N
```

[4] To get the registrant's information, the user or client application must make a referral query to the registrar's Whois service, which in this case is whois.corporatedomains.com

```
Registrant Street3:
Registrant City:Atlanta
Registrant State/Province:GA
Registrant Postal Code:30303
Registrant Country:US
Registrant Phone:+1.4048273470
Registrant Phone Ext.:
Registrant FAX:+1.4048271995
Registrant FAX Ext.:
Registrant Email:tmgroup@turner.com
…[5]
```

The content of registration data provided via Whois may differ across gTLD registries. Some gTLD registry agreements, such as .tel, have provisions in place that in certain circumstances exclude personal information from the public Whois. For example, .tel Whois output for individuals may only mention registrant's name with no other contact information.

It is noted that there has been considerable debate on the merits of thin Whois versus thick Whois[6]. From a technical perspective, a thick Whois model provides a central repository for a given registry whereas a thin Whois model is a decentralized repository[7]. Historically, the centralized databases of thick Whois registries are operated under a single administrator that sets conventions and standards for submission and display, archival/restoration and security have proven easier to manage. By contrast, registrars set their own conventions and standards for submission and display, archival/restoration and security registrant information under a thin Whois model. Today, for example, Whois data submission and display conventions vary among registrars. The thin model is thus criticized for introducing

[5] In addition, contact information of administrative and technical contact are also provided, but have been truncated here.
[6] See for example discussions outlined in this thread: http://gnso.icann.org/mailing-lists/archives/registrars/thrd35.html
[7] To be more precise, the data model for a thin registry has two "chunks". The registry still centrally manages all the domain name **related** data (it's in one place, under one administrator, etc.). Each registrar, in turn, manages its set of sponsored names – but these are **separate** databases, each is a unique database and not part of a decentralized one. The more accurate term might therefore be a hierarchical vs flat (monolithic) database model.

variability among Whois services, which can be problematic for legitimate forms of automation. It is this problem that prompted the IRTP B Working Group to recommend requiring thick Whois across incumbent registries – in order to improve security, stability and reliability of the domain transfer process.

A thick Whois model also offers attractive archival and restoration properties. If a registrar were to go out of business or experience long-term technical failures rendering them unable to provide service, registries maintaining thick Whois have all the registrant information at hand and could transfer the registrations to a different (or temporary) registrar so that registrants could continue to manage their domain names. A thick Whois model also reduces the degree of variability in display formats. Furthermore, a thick registry is better positioned to take measures to analyze and improve data quality since it has all the data at hand.

- **Situation of incumbent gTLDs**: The following table was developed by the IRTP Part A Working Group and has been updated with the recent addition of .xxx as a gTLD:

gTLD	Thin	Thick
.AERO		✓
.ASIA		✓
.BIZ		✓
.CAT		✓[8]
.COM	✓	
.COOP		✓
.INFO		✓
.JOBS	✓	
.MOBI		✓
.MUSEUM		✓

[8] .CAT has requested changes to its agreement to allow for tiered access to Whois data in a similar way that .TEL currently provides (see http://www.icann.org/en/registries/rsep/index.html#2011007).

.NAME		✓[9]
.NET	✓	
.ORG		✓
.PRO		✓
.TEL		✓[10]
.TRAVEL		✓
.XXX		✓

- **Thick Whois in new gTLDs**: Within the context of the new gTLD programme, new gTLD registries will be required to operate a thick Whois model[11]. As outlined in the new gTLD Program Explanatory Memorandum thick vs. thin Whois for new gTLDs:

  While current registry agreements have differing provisions with regards to the Whois output specification, ICANN's intent with the next round of new gTLDs has been to have the agreements as standard as possible, with minimal or no individual negotiation and variation of provisions such as a registry's Whois output specification. In an attempt to standardize on a one-size fits-all approach for new gTLDs, the first draft of the proposed new registry agreement suggested a least-common denominator approach under which all registries would have been required to be at least thin, but registries could opt on their own to collect and display more information at their discretion. This was consistent with the approach used by ICANN for at least the past five years in which registry operators have been free to suggest their own preferred Whois data output and whatever specification each registry proposed was incorporated into the that registry operator's agreement.

  Registrars would continue to display detailed contact information associated with

[9] Thick Whois information is available at the registry, but public access to the data is organized in four tiers. Full set of data is available to requesters if the requester enters into an agreement with the registry under the Extensive Whois Data tier. See http://www.icann.org/en/tlds/agreements/name/appendix-05-15aug07.htm for further details.
[10] Thick Whois information is available, but tiered access is provided consistent with a registry request approved by ICANN in order for the registry to harmonize with UK data protection requirements.
[11] To clarify, as was pointed out in the public comments, the requirement for 'thick' Whois for new gTLDs was not the result of a policy development process.

registrations, so there is no question about the total set of data elements that will be published concerning each registration, the only question is whether all of the data will be maintained/published by both the registry and the registrar, or whether the full data will be displayed by the registrar only *and the registry could, if it so elected, maintain just a subset of data as in the example above.*

Many commenters on the proposed registry agreement have requested a change to the agreement to mandate thick Whois for all new registries. The commenters have suggested that such a requirement would be in line with the status quo since most gTLD agreements require thick Whois output (all except com, net and jobs, as noted above). Comments have suggested substantial benefits from mandating thick instead of thin Whois, including enhanced accessibility and enhanced stability.

Critics of the proposed thick Whois mandate have raised potential privacy concerns as a reason to require thin Whois only, but proponents of thick Whois point to ICANN's community-developed "Procedure For Handling Whois Conflicts with Privacy Law" http://www.icann.org/en/processes/icann-procedure-17jan08.htm as a means for resolving any potential situations where a registry operator's Whois obligations are alleged to be inconsistent with local legal requirements concerning data privacy. Also it could be argued that, as indicated above, all of the data that might be published by a thick registry is already public data since it would already be published by the registrar. ICANN's Registrar Accreditation Agreement obligates registrars to ensure that each registrant is notified and consents to the purposes and recipients of any personal data collected from the registrant in association with every domain registration http://www.icann.org/en/registrars/ra-agreement-17may01.htm#3.7.7.4.

Proponents of requiring thick Whois argue that being able to access the thick data at both the registry and the registrar level will ensure greater accessibility of the data. The draft report of the Implementation Recommendations Team put together by ICANN's Intellectual Property Constituency stated "the IRT believes that the provision of Whois information at the registry level under the Thick Whois model is essential to the cost-effective protection of

consumers and intellectual property owners." http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf. There are at least two scenarios in which the additional option of retrieving the data at the registry would be valuable:

1. *Where the registrar Whois service might be experiencing a short- or long-term outage (in violation of the registrar's accreditation agreement), and*
2. *Where the registrar has implemented strong (or sometimes overly-defensive) measures to prevent large-scale automated harvesting of registrar data.*

Also, in the event of a registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and the registrar's escrow agent) instead of just two organizations (the registrar and the registrar's escrow agent).

4. Approach taken by the Working Group

The thick Whois PDP WG started its deliberations on 13 November 2012 where it was decided to continue the work primarily through weekly conference calls, in addition to e-mail exchanges. Furthermore, the WG decided to create a number of sub-teams to conduct some of the preparatory work on the different topics identified in its charter (see https://community.icann.org/x/v4BZAg).

The Working Group also prepared a work plan, which was reviewed on a regular basis. In order to facilitate the work of the constituencies and stakeholder groups, a template was developed that could be used to provide input in response for the request for constituency and stakeholder group statements (see Annex B). This template was also used to solicit input from other ICANN Supporting Organizations and Advisory Committees early on in the process.

4.1 Members of the Working Group

The members of the Working group are:

Name	Affiliation*	Meetings Attended (Total # of Meetings: 33)
Wilson Abigaba	NCUC	3
Marc Anderson	RySG	28
Titi Akinsanmi	At Large	4
Roy Balleste	NCUC	22
Iliya Bazlyankov	RrSG	8
Don Blumenthal	RySG	20
Bob Bruen	At Large	0
Avri Doria	NCSG	16
Amr Elsadr	NCSG	21
Ray Fassett	RySG	6
Christopher George	IPC	15
Alan Greenberg	ALAC	27
Volker Greimann (Council Liaison)	RrSG	27
Frederic Guillemaut	RrSG	13
Carolyn Hoover	RySG	17

Susan Kawaguchi	CBUC	9
Evan Leibovitch	ALAC	4
Marie-Laure Lemineur	NPOC	22
Steve Metalitz	IPC	28
Jeff Neuman	RySG	3
Ope Odusan	At Large	4
Mikey O'Connor (Chair)	ISPCP	31
Susan Prosser	RrSG	18
Norm Ritchie	RySG	4
Tim Ruiz	RrSG	24
Carlton Samuels	ALAC	2
Michael Shohat	RrSG	0
Salanieta T. Tamanikaiwaimaro	At Large	0
Christa Taylor	Individual	0
Jill Titzer[12]	RrSG	22
Joe Waldron	RySG	2
Rick Wesson	Individual	7
Jennifer Wolfe	NomCom	2
Jonathan Zuck	IPC	12

The statements of interest of the Working Group members can be found at https://community.icann.org/x/v4g3Ag.

The attendance records can be found at https://community.icann.org/x/_oVwAg. The email archives can be found at http://forum.icann.org/lists/gnso-thickwhoispdp-wg/.

*

RrSG – Registrar Stakeholder Group

RySG – Registry Stakeholder Group

CBUC – Commercial and Business Users Constituency

NCUC – Non Commercial Users Constituency

IPC – Intellectual Property Constituency

ISPCP – Internet Service and Connection Providers Constituency

NPOC – Not-for-Profit Organizations Constituency

[12] Resigned from the WG on 23 July 2013

5. Deliberations of the Working Group

This chapter provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads. The points below are just considerations to be seen as background information and do not necessarily constitute any suggestions or recommendations by the Working Group. It should be noted that the Working Group will not make a final decision on which solution(s), if any, to recommend to the GNSO Council before a thorough review of the comments received during the public comment period on the Initial Report.

5.1 Initial Fact-Finding and Research

Per its Charter, the WG was tasked to review the following topics as part of its deliberations to consider the use of thick Whois by all gTLD registries:

- Response consistency
- Stability
- Access to Whois data
- Impact on privacy and data protection
- Cost implications
- Synchronization / migration
- Authoritativeness
- Competition in registry services
- Existing Whois applications
- Data escrow
- Registrar Port 43 Whois requirements

In order to obtain as much information as possible at the outset of the process and identify whether WG members had specific expertise and/or interest to support the deliberations on these topics, a survey was conducted amongst the WG membership (see results in Annex D). In addition, the WG requested input from GNSO Stakeholder Groups and Constituencies, as well as other ICANN Supporting Organizations and Advisory Groups (see Annex C and section 6 for further details).

Furthermore, the WG formed an ad-hoc expert group[13] consisting of a number of individuals that had been involved in the transition of .org from thin to thick that took place in 2004 and reviewed the PIR Post Transition Report.

Substantial preparatory work was carried out through the work of a number of sub-teams (see https://community.icann.org/x/v4BZAg) that have contributed to the following sections of this report.

5.2 Response Consistency

Issue Description

A thick registry can dictate the labelling and display of Whois information to be sure the information is easy to parse, and all registrars / clients would have to display it accordingly. This could be considered a benefit (response consistency) but also a potential cost (registrars / clients would be required to display it as dictated by the registry). This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.

Response Consistency in the current environment

Currently there are no labelling or display requirements for thin or thick gTLD registries. As a result, registrars, even for the same gTLD, may currently display data in inconsistent ways, which affects efficiency in accessing and using the information. These problems may be exacerbated with internationalized data items that do not employ Latin characters.

However the 2013 RAA contains language that would require registrars to provide uniform Whois output (see http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm#bookmark2 for further details).

[13] For the list of experts and mailing list archives, please see http://forum.icann.org/lists/gnso-thickwhoispdp-experts/msg00000.html.

Response Consistency in a thick Whois environment

A thick gTLD registry could dictate labelling and display requirements for Whois information for all of its gTLDs and that would result in consistency across its gTLDs, but that would not create consistency across other gTLDs offered by different registry operators. In order to achieve consistency across gTLDs, registry operators would need to be required to use the same labelling and display requirements. In advance of possible changes to the Registry Agreement, the WG recommends that all thick gTLD registries follow the same labelling and display requirements, as per the model outlined in Specification 3 of the 2013 RAA (See Annex E). The WG recognizes that this recommendation will require special consideration of the timing, cost and implementation implications for existing Thick Whois Registries.

Improvements to response consistency under a thick Whois model

Establishing requirements such as collecting uniform sets of data, and display standards, would improve consistency across all gTLDs at all levels and result in better access to Whois data for all users of Whois databases.

Collecting and displaying registration data presents difficult challenges when that data is being provided by registrants whose primary language uses a script that does not employ Latin characters. Those challenges are currently under study within ICANN; but however they are resolved, the implementation of those recommendations will almost certainly be less complex if Whois data is centralized at the registry level, rather than being held by hundreds or thousands of registrars, who may apply data collection or display standards inconsistently.

Possible downsides to response consistency under a thick Whois model

The WG received comments suggesting that the opportunity for innovation and ingenuity may be lost in the pursuit of response consistency. For example registrar innovation in the handling and processing of different scripts might overcome barriers and challenges that centralized systems organizations may not see or know. The working group concluded that on balance the opportunities for improved response consistency dramatically outweighed these opportunities missed.

Conclusion

The working group finds that requiring thick Whois would improve response consistency.

5.3 Stability

Issue Description

The Working Group used the following definition in its deliberations about the issue of stability: "Availability of Whois data in the case of a business or technical failure".

Stability in a thin Whois environment

In a thin Whois model, there are two sources of copies of Whois information in case of a business or technical failure; the registrar and the escrow service used by the registrar. In case of the failure of one of these two sources, there is one fall-back copy of Whois data available for recovery efforts.

Stability in a thick Whois environment

Under the current policies, under a thick Whois model, the two sources identified in the 'Stability in a thin Whois environment' section are available as well as two additional sources, namely the registry and the escrow service used by the registry. This results in a total of up to four separate locations where the data is stored, depending on whether the same escrow provider is used by the registry and registrar. In the cases of a failure there are at least two remaining sources of data available for recovery. It was also pointed out by ICANN Staff that thick Whois has been invaluable in the case of almost every involuntary transition of domain name registrations from de-accredited registrars, as in those cases it was found that current data was not always deposited into data escrow by the de-accredited registrar.

Possible advantages for stability in a thick Whois environment

The WG noted that a thick Whois model provides at least two fallback sources in the case of a failure, compared to one in the thin model. Since most catastrophic failures are often the result of multiple failures, having multiple geographically dispersed backups is preferred.

Possible downsides for stability in a thick Whois environment

Some WG participants noted that having personal data at multiple sites makes that data more susceptible to attack or misuse. This issue is addressed in the section on privacy and data protection.

Some WG participants asked if there might be an increased risk of inconsistencies by having up to four copies of the same data. The working group concluded that there are well-established mechanisms to mitigate this risk through the use of various techniques[14].

Conclusion

The working group finds that requiring thick Whois would improve stability.

5.4 Access to Whois Data

Issue Description

Per its charter the WG addressed the issue of whether the ability to access Whois information at the registry level under the thick Whois model is more efficient and cost-effective than a thin model in protecting consumers and users of Whois data and intellectual property owners.

Access to Whois data in the current Whois environment

In thin gTLD registries, data associated with the registrant of the domain is only available via the registrar's Whois services, while the data associated with the domain name is published both by the registrar as well as the registry. In thick registries both sets of data (that associated with the domain name as well as with the registrant) are published by the registrar and the registry. It was noted that the NORC Draft Report for the Study of the Accuracy of Whois Registrant Contact Information[15] (commissioned by ICANN in 2010) found that the Whois data for the domain names selected was

[14] The working group discussed one example of such a mitigation approach -- the use of multi-master replication across the data. However the WG identified several issues that indicate that this probably isn't the best approach. Registrars currently escrow their data on a particular schedule that is inconsistent with the schedule at which registries escrow data. Similarly, registrars are not required to post new data to registries instantaneously so a registry and registrar could reasonably be out of sync frequently. Finally, at least four sets of contracts would have to be amended in order to change the current model by which data is backed up through escrow. See http://en.wikipedia.org/wiki/Multi-master_replication

[15] See http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf

accessible 100% of the time for the thick Whois registries sampled (.org, .biz and .info), while Whois data availability was only 97.5% for .com and 98.5% for .net. The WG received comments pointing out difficulties that have been experienced in accessing registrar-based Whois services. Commenters also noted restrictions on access to data due to Registrar-imposed limits to queries under thin registries as certain information is only available at the registrar. Others pointed out that the Whois Audit Access Report[16] (2012) produced by ICANN Contractual Compliance found that only 94% of registrars provided consistent access to Whois data compliant with Section 3.3 of the RAA. The report did point out that 'Registrar compliance rate with the RAA to provide Whois access service has declined from last year's results from 99% to 94%. This decline is likely due to proactive monitoring, tool enhancements and enforcement of this RAA obligation'.

Access to Whois data in a thick Whois environment

If all registries were to operate under a thick Whois model, all Whois information associated with the domain name as well as the registrant would be accessible via both the registrar and registry Whois services[17].

Possible advantages for access to Whois data under a thick Whois model

Proponents of requiring thick Whois argue that being able to access the thick data at both the registry and the registrar level will improve accessibility of the data. The draft report[18] of the Implementation Recommendations Team put together by ICANN's Intellectual Property Constituency stated, "*the IRT believes that the provision of Whois information at the registry level under the Thick Whois model is essential to the cost-effective protection of consumers and intellectual property owners.*" There are at least two scenarios in which the additional option of retrieving the data at the registry would be valuable:

- The registrar Whois service is experiencing a short- or long-term outage (in violation of the registrar's accreditation agreement), and

[16] See https://www.icann.org/en/resources/compliance/update/update-whois-access-audit-report-port43-30apr12-en.pdf

[17] Note: under the proposed 2013 RAA the requirement for registrars to provide Whois in thick registries at port 43 would be eliminated, but leaving the web-based Whois service in place.

[18] See http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf.

- The registrar has implemented strong (or sometimes overly-defensive) measures to prevent large-scale automated harvesting of registrar data.

It would also be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and the registrar's escrow agent) instead of just two organizations (the registrar and the registrar's escrow agent) in the event of a registrar business or technical failure.

The IRTP-B Working Group and comments received by this working group have also pointed out that the use of a common format and location to find information for a given gTLD is an advantage for Whois users.

Possible downsides for access to Whois data under a thick Whois model

The WG received comments suggesting that it may be difficult to suppress data that has already been published should there be any changes in the future to the Whois model, e.g. if certain information is no longer required to be published. The WG concluded that this would be a broader issue as all the Whois registrant information is currently already publicly available both in the thin model (published by the registrar) as well as the thick model (published by both the registrar and registry).

As discussed in the section on data escrow, there is some question as to whether four sets of the same data are really necessary and whether maintaining them result in additional costs for contracted parties as well as registrants. The WG concluded that this is at most an incremental cost increase and further concluded that this is a topic better pursued in broader discussions of data escrow for all thick registries (such as the RAA negotiation).

The WG received comments pointing out that centralizing the accessibility of Whois information at the registry is a natural efficiency for users of Whois data when considering one gTLD at a time in the current environment. However, with the introduction of new gTLDs the number of registries may exceed the number of registrars; therefore, a Whois user may need to access dozens or hundreds of registries to obtain responses for a common second level string that is registered across

multiple registries. Thus there may be an advantage to the thin Whois model in that information from multiple gTLDs could be obtained through a single registrar, although identifying the appropriate registrar is not certain from the domain name itself. The WG concluded that this advantage is incremental at best, especially considering that ICANN is implementing the Whois Review Team recommendation #11 *("Overhaul of the Internic to provide enhanced usability for consumers, including the display of full registrant data for all gTLD domain names; operational improvements to include enhanced user awareness")*. The WG also notes that 3rd party services are available that provide aggregation of Whois from multiple sources, which can be used when efficient and cost-effective accessibility across multiple gTLDs is needed.

Conclusion

The working group finds that requiring thick Whois would improve access to Whois data.

5.5 Impact on privacy and data protection

Issue Description

Whois records contain domain registrants' names, addresses, email addresses, and phone numbers. These details would be considered personal information in colloquial use and are provided legal protection in regimes that provide data protection to personal information. The fundamental question before the thick Whois PDP WG is whether thin and thick registry models present different risks with respect to data protection and privacy. These risks might arise with respect to data at rest, information held in registry databases, and data in motion, records being transferred from registrars to registries in a thick model.

"Risks" include unauthorized disclosure in a security sense and issues related to information disclosure in violation of local law and regulations. They also include the possibility that information could be deleted or altered inadvertently or deliberately, possibly a more significant consideration for those individuals who believe that Whois information is public and therefore cannot be "disclosed" in an unauthorized manner.

The WG notes that its discussions of information security were simplified for purposes of clarity. Detailed risk analyses were beyond the capacity and scope of the WG given the complexity of issues and variety of possible system configurations. As an example, the WG will focus on the necessity for data to be transferred in a thick Whois model. The WG will not discuss whether data may in fact move when a registrar in a thin environment has redundant systems.

As an explanation in advance, "data at rest" is stored information. For our simplified purposes, it includes data in use, a common term that is not useful for our construct. "Data in motion" is information that is being transferred between computer systems.

Data Protection and Privacy in a thin Whois environment

Data at rest: Information will be protected to the extent that registrars' security safeguards are in place. Such safeguards, both here and in the discussions that follow, include measures to protect against unauthorized duplication, deletion, or alternation of information.

Data in motion: Information is not transferred to registries in a thin model.

Data protection laws: Whois records must be made public under ICANN rules. At first glance, any applicable data protection laws will be the rules of the location of a registrar. However, it is possible that a registrant's location might be determinative where a registrant and registrar are not in the same jurisdiction.

Data Protection and Privacy in a thick Whois environment

Data at rest: Information will be protected to the extent that security safeguards are in place in registrar or registry systems.

Data in motion: Information transfer between registrar and registry introduces the need for additional information security safeguards beyond measures required for data that remains with a registrar. These additional safeguards have purposes similar to those measures that must be in

place for data at rest, but have the added complexity of protections interception and possibly reinsertion of information while it is in transit.

Data protection laws: Whois records must be made public under ICANN rules. Thick Whois models present additional challenges with respect to possible data protection conflicts. Do rules governing registrars apply because registrant contracts are signed in their countries, or does a registry's regime govern because the registry publishes the data? How relevant is the location of the registrant?

Possible advantages for Data Protection and Privacy in a thick Whois environment

Data at rest: Whois databases would be held by the registry and not necessarily multiple registrars. This single point of failure instead of multiple ones would increase data protection. In addition, it may be that a registry, being in most cases larger than registrars, will be able to institute better security safeguards.

Data in motion: Thick registries provide no advantage in this category.

Data protection laws: To the extent that controlling data protection laws and regulations are deemed to be those of the registry, a thick Whois environment will provide additional assurances where local rules limit information disclosure more than in the locale of an applicable registrar. The WG must stress however, that any discussion of laws that might apply is speculation. It is beyond the capacity and scope of the work group to do an exhaustive review of applicable rules and contract provisions.

Possible downsides for Data Protection and Privacy in a thick Whois environment

Data at rest: More copies of Whois records will exist. The level of risk will depend on decisions concerning, for example, who must maintain escrow systems, but registrars certainly still will have the Whois information even if it is not contained in defined Whois databases.

Data in motion: Thick Whois models introduce the necessity for data transfer, which requires additional security measures beyond what are needed for information that remains in a single system.

Data protection laws: As a counterpoint to possible increased legal protection when laws in a registry's jurisdiction allow less information disclosure than an applicable registrant's, rules governing a registry's may in fact be less restrictive. In addition, questions concerning whether registry or registrar location controls may add a level of complexity for the overall system and of confusion for a registrant. We do note however that we are unaware of any such instances that have arisen in current thick Whois environments.

Discussion

Data at rest: The WG cannot identify an advantage between a thin and thick environment. The same information is contained in Whois databases in the two models. While ostensibly all Whois data as such will be in a single system in a thick environment, the data elements still will be kept by registrars. While more official copies of Whois information may exist in a thick environment, the fact is that bulk record access[19] is available to the public and the likely magnitude of those copies in the hands of individual analysts or of aggregators makes the value of a discussion questionable.

Data in motion: The WG cannot identify an advantage between a thin and thick environment. On the surface, the need for Whois transfers from registrars to registries presents an additional point of data vulnerability and need for additional security measures. However, Whois information regularly moves through downloads and replication, as well as through transfer of data from registrars to registries in the existing thick registries. The WG finds it hard to conclude that risks of data leakage will increase at an identifiable level when thin registries move to a thick model.

Data Protection Laws: This subject is especially complex when it comes to drawing conclusions. It raises a level of complexities, uncertainties, and emotions that are beyond the capacity of the WG to address conclusively given available resources and time constraints, and that also may spill beyond the bounds of the scope of this WG in the case of certain issues.

[19] The WG does note that changes to bulk access are proposed under the 2013 RAA.

Thick registries have existed for many years, and the .org registry transitioned from a thin to a thick environment. The WG has not been able to identify a formal analysis of data protection laws in the context of Whois information with respect to thin or thick models or the transition from one to another. The WG would hope that analyses have been done, and the fact that it can find no public objections from the registry or registrar community indicates that no problems have been identified.

In addition, the WG is not aware of any formal government actions against registries or registrars for maintaining Whois systems in accordance with ICANN requirements. In particular, no registrar has sought to adjust contract requirements pursuant to ICANN Procedure for Handling Whois Conflicts with Privacy Laws (http://www.icann.org/en/resources/registrars/whois-privacy-conflicts-procedure-17jan08-en.htm), which permits exceptions if a government begins an inquiry under data protection laws and regulations. Further, the comment on thick vs. thin Whois that was submitted by the Registrar Stakeholder Group did not raise privacy or data protection concerns.

However, the fact that the WG has not seen analyses or objections from the contracted party community does not prove a lack of problems. In addition, data protection and privacy laws and regulations change over time so any analyses from the past might need to be revisited periodically. RSEPs (Registry Services Evaluation Panel) initiated by .cat and .tel suggest that they have identified data protection and privacy legal issues that they considered valid even if no formal government action was initiated. While registrars are required under the Registrar Accreditation Agreement to obtain registrants' consent to uses made of data collected from them, whether registrants are aware of the full ramifications of data publication, legal or real, might be questioned, and local rules concerning coercive contract provisions conceivably could come into play.

The WG has made every effort to examine thin vs. thick registry models in a broad sense. However, any requirement that all registries use the thick model will require that existing thin registries move to thick environments. This situation will raise concerns that, while limited in the long run, are significant given the numbers of domains and registrants involved. The WG expects that data transfers will be in volumes unprecedented in Whois operations and urges that increased information systems and protections are put in place, which are appropriate to handle the volumes.

Some registrations may have occurred based on a registrant's consideration of local rules governing a registrar or registry. In that event, registrants' data protection expectations will be affected when publication of Whois data moves to a registry that is in a different jurisdiction from the relevant registrar. Thorough examination must be given to the extent to which data protection guarantees governing a registrar can be binding on a registry. Should data protections in the jurisdiction of a registrant, registrar, or registry control? Should registry or registrar accreditation agreements contain language that specifies whose protection environment applies?

Again, these questions must be explored in more depth by ICANN Staff, starting with the General Counsel's Office, and by the community. As an added benefit, analyses concerning change of applicable laws with respect to transition from a thin to a thick environment also may prove valuable in the event of changes in a registry's management, presumably an increasing likelihood given the volume of new gTLDs on the horizon.

Conclusion

Data Protection: The WG finds that requiring thick Whois for all gTLD registries does not raise data protection issues that are specific to thin vs. thick Whois, as those that have been identified already exist in the current environment and should be considered as part of the broader Whois debate.

Privacy: There are currently issues with respect to privacy related to Whois, and these will only grow in the future. Those issues apply to other gTLDs as well, and thus will need to be addressed by ICANN. Existing registry policy and practice allows flexibility when needed, and the new draft RAA provides similar options for registrars. None of these issues seem to be related to whether a thick or thin Whois model is being used. The support of the Registrar Stakeholder Group related to a thin-to-thick transition implies that they perceive no immediate issue. There are still WG participants who feel uneasy with the vast amounts of data that will need to be transferred across jurisdictional boundaries, but those have not translated into concrete concerns. So although privacy issues may become a substantive issue in the future, and should certainly be part of the investigation of a replacement for Whois, it is not a reason to not proceed with this PDP WG recommending thick Whois for all.

5.6 Cost implications

Issue Description

What are the cost implications of a transition to thick Whois for registries, registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to registries, registrars, registrants and other parties if no transition is mandated?

Discussion

The WG has chosen to identify broad components of on-going and transition costs, and in some cases base its analysis on projects that are of comparable scope and complexity. The WG did not have the capacity to develop detailed cost comparisons and does not consider them to be required in order to reach valid conclusions regarding the cost impact of requiring thick Whois for all gTLD registries.

Cost Implications of requiring thick Whois – On going costs

Escrow costs

Registrars: **No change**

Registries: **Incrementally higher** -- increased data-storage and data transfer costs. Estimating guideline: data volume will increase from domain-information-only to domain-and-contact information. The WG offers a SWAG estimate of roughly doubled volume of escrow data-storage and transfer. The cost is paid by the registry.

Data consumers**: No change**

Port 43 Whois server costs

Registrars: **No change or lower** – depending on whether Port 43 Whois requirements for thick Whois registries are eliminated in the new RAA

Registries: **Incrementally higher** – due to increase in the size of the data payload for each Whois query (roughly double). Estimating guideline: Whois server costs are a small fraction of the cost of operating the front-facing server for a registry, and the incremental impact of increased processing and bandwidth by these relatively simple systems is negligible.
Data consumers: **Lower** – due to reduced cost of automation resulting from more consistent access methods and format of the data
Web-based Whois server costs

Registrars: **No change or incrementally lower** – depending on the extent to which Whois-query demand shifts from registrars to registries
Registries: **No change or incrementally higher** – depending on the extent to which Whois-query demand shifts from registrars to registries. Estimating guideline: Whois server costs are a small fraction of the cost of operating the front-facing server for a registry, the incremental impact of increased processing and bandwidth is negligible.
Data consumers: **Lower** – due to reduced errors resulting from more consistent access methods and format of the data

Cost Implications of requiring thick Whois – Transition costs

Registrars: **Less than adding a new gTLD** – the WG anticipates that registrars will only be required to reconfigure systems and processes that they already support rather than having to develop new ones. Those changes will require reconfiguring Whois systems from the exception (process in a thin-Whois manner) to the norm (process in a thick-Whois manner). The WG views the initial transfer of contact data to the registry as similarly straightforward – and could be as simple as using the escrow data as the data-source for the transfer. Estimating guideline: a comparable effort might be a project to start up escrow.
Registries: **Less than adding a new gTLD** – the WG similarly anticipates that registries will also be reconfiguring systems and processes that they already support, as all of them support thick Whois for other gTLDs already. This would also apply to those existing thick gTLD registries that would need to reconfigure their systems in order to meet the new labelling and display requirements, as these may be different from the existing labelling and display formats used. Again the WG generally

anticipates a highly automated process will be used to transfer and populate contact data.
Estimating guideline: a comparable effort might be a project to start up escrow.
Data consumers: **Less than adding a new gTLD** – data consumers will likewise be required to reconfigure systems and processes to switch from the exception (thin Whois) to the norm (thick Whois), but again they will merely be reconfiguring systems and not developing new ones.

Cost Implications of not requiring thick Whois

The WG received comments that noted that the costs associated with not having easy access to Whois data is significant, not only to rights owners, but also victimized Internet users. The WG acknowledges that this may be true, but has concluded that analysing the nature and scale of costs of this type are outside its charter

Conclusion

The working group finds that requiring thick Whois would not have overly burdensome cost impacts on providers of Whois data and could reduce acquisition and processing costs for consumers of that data.

5.7 Synchronization / migration

Issue Description

Synchronization refers to updating the Whois information in an immediate and accurate manner so that both data sets, registrar and registry, are exact duplicates. Synchronization of data must occur when either the registrar provides new information to the registry or the registry updates a Whois record directly. The WG was asked to address the impact on synchronization between the registry and registrar Whois and EPP systems for those Registries currently operating a thin registry, both in the migration[20] phase to thick Whois as well as ongoing operations.

[20] Please note that issues related to a possible transition of existing thin gTLD registries to a 'thick' model are covered in a different section of this report.

Synchronization in a thin Whois environment

The registrar collects the Whois data from the registrant but only transmits a limited subset of that data to the registry. This limited subset must be updated in an immediate and accurate manner to insure that both subsets of data are exactly the same.

Synchronization in a thick Whois environment

The only difference in a thick Whois environment is that all of the Whois data collected by the registrar is transmitted to the registry. As in the thin Whois environment the information must be updated in an immediate and accurate manner[21].

Possible disadvantages for synchronization in a thick Whois environment

The WG received no concrete examples of synchronization issues in converting from a thin Whois environment to a thick Whois environment in the comments received. Most of the comments addressing this topic emphasized the need for being mindful of the following:

1. Cost
2. Stability when transitioning the data
3. Number of records involved

Synchronization Inconsistencies

The WG notes that there are risks of inconsistencies between the data output of the registrar and the registry under both the thin and thick models. By having additional data shared between a registry and registrar in a thick Whois model, this risk for inconsistencies may increase.

For example, inconsistencies may arise when the registry updates Whois records directly, as may be required by a (closed) court order. In circumstances where a domain name is being transferred by the registry without the losing registrar's knowledge, this may lead to the losing registrar publishing outdated Whois data for a domain name no longer under it's control. Effectively, one domain name could have two or more registrars publishing completely different data for the same domain name.

[21] The RAA gives registrars a matter of days to update registry data (5 business days under the 2009 RAA and 7 calendar days under the 2013 RAA) and up to 24 hours to update their own Whois records.

While the registry will reference the correct registrar, a third party may obtain differing results depending on where they perform their lookup. In thick registries, inconsistencies between the registrar Whois and the registry Whois contact information may also arise, as again such modifications are not necessarily transmitted to the losing registrar. Effectively, registries and losing registrars could conceivably output completely different Whois data. It was suggested that this could be fixed by removing the port 43 Whois requirement[22] for registrars in thick registries, although some explained that currently some registrars already pass on registrar port 43 queries to the registry in the case of thick Whois, which also eliminates the risk of inconsistencies. The WG notes that the 2013 Registrar Accreditation Agreement (RAA) provides for the removal of the port 43 requirement for thick gTLD registries (see section 3.3.1 - http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm).

Conclusion

The WG finds that a transition to thick Whois for all gTLD registries will have no detrimental effects on data synchronization.

5.8 Authoritativeness[23]

Issue Description

Here is the working definition used by the WG while analysing this issue: "Authoritative, with respect to provision of Whois services, shall be interpreted as to signify the single database within a hierarchical database structure holding the data that is assumed to be the final authority regarding the question of which record shall be considered accurate and reliable in case of conflicting records; administered by a single administrative [agent] and consisting of data provided by the registrants of

[22] Only the port 43 Whois requirement is an issue as it cannot be mirrored to the registry web-based Whois output and can therefore cause synchronization issues, for web-based Whois registrars would actually be permitted to mirror the registry web-based Whois output or use the registry port 43 Whois.

[23] Not to be confused with accuracy: accurate data is not necessarily authoritative nor is authoritative data necessarily accurate. For more information about accuracy related efforts, please see specification 2 of the 2013 RAA (Whois Accuracy Program Specification) as well as the Whois Informational Panel that is currently under development (see http://blog.icann.org/2013/03/whois-whats-to-come/).

record through their registrars." A proposed shorter version is "the data set to be relied upon in case of doubt".

Authoritativeness in a thin Whois environment

Since the registrar alone holds most Whois data, its data is necessarily authoritative as to those data elements (e.g., name of registrant). For that data held by both registrar and registry (e.g., name of registrar), it appears that registry data is generally treated as authoritative, but the WG is not aware of any official ICANN policy statement on this. The WG observes that in the case of the Uniform Dispute Resolution Policy (UDRP), UDRP Providers treat the registrar Whois information as authoritative, which may be the result of the UDRP having been adopted prior to the emergence of thick gTLD registries.

Authoritativeness in a thick Whois environment

Most comments that addressed this question stated that registry data is considered authoritative in the thick environment. Only one stated that the registrar data was authoritative. Again, the WG is not aware of any official ICANN policy statement on this question. The WG notes that the registrar remains responsible for the accuracy of the data under either the thick or thin model, as the relationship with the registrant remains with the registrar.

Possible advantages for authoritativeness in a thick Whois environment

Several comments cited efficiency and trust as advantages of treating the registry Whois data as authoritative. The WG supports the view that the registry will hold the entire data set, and is able to change the data without informing the registrar (due to closed court orders or similar events). Therefore, the only authoritative data source can be the registry as it holds the ultimate sway over the data. A registrar updates the data at customer request and is responsible for its accuracy, but such changes would only become authoritative once the registry Whois reflects the change.

Possible downsides for authoritativeness in a thick Whois environment

Several comments noted that registrars remain responsible for collecting the data and (to an extent governed by contract with ICANN) for its accuracy. One contribution felt this was inconsistent with a conclusion that registry Whois would be authoritative in the thick environment. The WG did not

agree that this inconsistency was problematic (primarily on the grounds stated above that the WG assumes that any data collected by the registrar becomes authoritative only after it is incorporated in the registry database).

Conclusion

The WG finds that a transition from thin to thick Whois will have no detrimental effect on authoritativeness. The WG reviewed the question as to whether it is necessary for this WG to recommend a policy on this issue. Based on that review, the WG has concluded that this is not necessary, given that thick registries have functioned for many years without requiring a formal position on authoritativeness, and the lack of evidence that this created any problem during previous thin-to-thick transitions such as .org.

5.9 Competition in registry services

Issue Description

The WG was tasked to consider what the impact would be on competition in registry services should all registries be required to provide Whois service using the thick Whois model – would there be more, less or no difference with regard to competition in registry services.

Competition in registry Services in the current Whois environment

Today, the two largest gTLD registries (.com and .net) are exempt from the requirement to operate under the thick Whois model, as well as .jobs. All other registries, including new gTLDs, are required to operate under a thick Whois model.

Competition in registry Services in a thick Whois environment

The WG observes that all registries would be operating on a level playing field as they would all operate under the same model in a thick Whois environment.

Possible advantages for competition in registry services under a thick Whois model

The WG concludes that requiring thick Whois would create a level playing field among registries. The WG also observes that diversity in Whois data models is inappropriate as a matter of competitive advantage among registries.

Possible downsides for competition in registry services under a thick Whois model

The position was put forward that creating a level playing field and requiring the provision of the same Whois services would reduce competition as there would be no difference in the Whois model offered and registrants could only choose the same standardized Whois services. As noted above, the WG did not find this to be a compelling argument and is of the view that standardized Whois services are much more attractive than any innovations that were restricted to a single registry provider.

Conclusion

The working group finds that requiring thick Whois would provide a more level playing field between registry providers. Furthermore, the WG was not able to identify any substantive examples as to why a differentiated approach in provision of Whois services would be better for competition.

5.10 Existing Whois applications

Issue Description

What, if anything, are the potential impacts on the providers of third-party Whois-related applications if thick Whois would be required for all gTLDs? Do these applications need to be updated / changed and how would that impact users of those applications?

Possible advantages to existing Whois Applications under a thick Whois model

The WG observes that the transition to thick gTLD registries may have a small transitional impact on third-party providers. But in the long term that transition would allow them to use a simpler data-gathering model and they could eliminate the issues associated with registrar-specific Whois data access. Whois data providers will also benefit from having to implement and parse only one authoritative data source instead of one per registrar.

Possible downsides to existing Whois Applications under a thick Whois model

There is the possibility that the transition to thick Whois may disrupt third-party Whois applications due to the change in location and format of the data. Furthermore, the ability and incentive for third-party providers to innovate in providing new services to address the yet unsolved problems of internationalized domain name data may be diminished.

Conclusion

The WG finds that a transition from thin to thick Whois will have no substantive detrimental effect on existing 3rd-party Whois service providers and will reduce the variability and cost of data acquisition for those providers.

5.11 Data escrow

Issue Description

Data Escrow is the act of storing Whois data with a neutral third party in case of registry or registrar failure, accreditation termination, or accreditation expiration without renewal. ICANN requires all registrars and gTLD registries to contract with a data escrow provider in order to safeguard registrants.

Data Escrow in a thick Whois environment

Registrars and the registries store Whois data in different, unrelated escrow accounts. Thus the Whois data is stored in four logical locations (registry, registrar, escrow accounts). In the case of a failure, the data could be available from up to three other locations. The WG notes that this number may decline if the registry and the registrar use the same data escrow provider and care is not taken to store the data in separate physical locations. ICANN Staff noted that in the case of registrar failure, the registrar escrow data has often been found to be incomplete or formatted incorrectly, and in some cases not available at all. In those instances, thick registry data has proven invaluable in standing up failed registrars.

Data Escrow in a thin Whois environment

Under the thin Whois model, the registrar stores its Whois data (the contact data) in its escrow location and the registry stores its domain data in its escrow account. Thus, for any single data element there is one location available for backup data in the event of a failure.

Conclusion

The working group finds that requiring thick Whois would result in more copies of escrowed data in the event of a failure.

5.12 Registrar Port 43 Whois requirements

Issue Description

Under the current Registrar Accreditation Agreement (RAA), registrars are required to provide access to Whois data to the public via two ways:

1. An interactive web page provided on the registrar's website, and
2. Port 43 lookup accessed in several ways (such as through command line utility, Whois lookup software, and third party websites)

Registrars suggest that with thick registries online, the need for Port 43 access on the registrar level is becoming irrelevant. In their view it does not make sense to provide this data if it is not referred to by the registry and the duplication of the services from multiple data sources may lead to inconsistencies in the results displayed (see also the section on synchronization / migration). If the registry displays the Whois data, and therefore the registry no longer points to the Whois server of the registrar, that server becomes redundant.

Recent developments

The 2013 RAA includes a provision that the current requirement for registrars to provide Port 43 Whois service is no longer required for thick gTLD registries. The language reads: 'At its expense, Registrar shall provide an interactive web page and, with respect to any gTLD operating a "thin" registry, a port 43 Whois service (each accessible via both IPv4 and IPv6) providing free public query---based access to up---to---date (i.e., updated at least daily) data concerning all active Registered

Names sponsored by Registrar in any gTLD'. As a result, the WG did not consider this issue in further detail.

Conclusion

The WG finds that the 2013 RAA negotiation have addressed this question and defers to the conclusions arrived at through that process.

6. Community Input

6.1 Request for Initial Input

As outlined in its Charter, 'the PDP WG is also expected to consider any information and advice provided by other ICANN Supporting Organizations and Advisory Committees on this topic. The WG is strongly encouraged to reach out to these groups for collaboration at an early stage of its deliberations, to ensure that their concerns and positions are considered in a timely manner'. As a result, the WG reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input (see Annex B and C) at the start of its deliberations. In response, statements were received from:

- The GNSO Business Constituency (BC)
- The GNSO Intellectual Property Constituency (IPC)
- The GNSO Non-Commercial Users Constituency (NCUC)
- Verisign
- The GNSO Registry Stakeholder Group (RySG)
- The GNSO Registrar Stakeholder Group (RrSG)
- The At-Large Advisory Committee (ALAC)

The full statements can be found here: https://community.icann.org/x/WIRZAg.

6.2 Review of Initial Input Received

The WG developed a matrix (located in Annex G) that it used to assess the input received in relation to the Charter Topics. This matrix, in addition to the summary of the comments, formed the basis for sub-team as well as Working Group discussions in relation to the different topics, the results of which have been outlined in section 5 of this report.

6.3 Public Comment Forum on the Initial Report

Following the publication of its Initial Report on 21 June 2013, a public comment forum was opened to which eleven (11) community contributions were received (see report of public comments). In addition, the WG held a public workshop at the ICANN meeting in Durban to solicit input. Based on the input received, the WG developed a public comment review tool, which it used to review and respond to all contributions received. In addition, there where appropriate, the report has been updated based on the comments received.

7. Conclusion & Working Group Recommendations and Observations

7.1 Final Recommendation

Although the WG recognizes that there are broader issues with Whois and the underlying protocol, the WG was specifically tasked to only provide the GNSO Council 'with a policy recommendation regarding the use of thick Whois by all gTLD registries, both existing and future'. Following its analysis of the different elements, as outlined in the WG Charter, which has been detailed in section 5 of this report, on balance the Working Group concludes that there are more benefits than disadvantages to requiring thick Whois for all gTLD registries. As a result, the Working Group recommends that:

#1: The provision of thick Whois services, with a consistent labelling and display as per the model outlined in specification 3 of the 2013 RAA[24], should become a requirement for all gTLD registries, both existing and future.

Furthermore, the WG recommends that:

#2: Following the adoption of this report and recommendations by the GNSO Council, the subsequent public comment forum (prior to Board consideration) and the notification by the ICANN Board to the GAC, specifically request input on any considerations related to the transition from thin to thick Whois that would need to be taken into account as part of the implementation process.

#3: As part of the implementation process a legal review of law applicable to the transition of data from a thin to thick model that has not already been considered in the EWG memo[25] is undertaken and due consideration is given to potential privacy issues that may arise from the

[24] http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm#whois
[25] See http://forum.icann.org/lists/gnso-thickwhoispdp-wg/pdfLtpFBYQqAT.pdf

discussions on the transition from thin to thick Whois, including, for example, guidance on how the long-standing contractual requirement that registrars give notice to, and obtain consent, from each registrant for uses of any personally identifiable data submitted by the registrant should apply to registrations involved in the transition. Should any privacy issues emerge from these transition discussions that were not anticipated by the WG and which would require additional policy consideration, the Implementation Review Team is expected to notify the GNSO Council of these so that appropriate action can be taken.

Level of consensus for these recommendations: The Working Group has arrived at full consensus on these recommendations.

Expected impact of the proposed recommendations:
As outlined in section 5, the WG expects numerous benefits as a result of requiring thick Whois for all gTLD registries. Nevertheless, the WG recognizes that a transition of the current thin gTLD registries would affect over 120 million domain name registrations and as such it should be carefully prepared and implemented. In section 7.3 the WG also provides other observations that emerged from this discussion which, while not directly related to the question of thin or thick, did and should receive due consideration by other bodies.

7.2 Implementation Considerations

Per its Charter and given the recommendation that thick Whois services become a requirement for all gTLD registries, the WG is also charged with considered the following questions:

- **Cost implications for gTLD registries, registrars and registrants of a transition to thick Whois**
  The WG notes that some of these considerations have already been covered in section 5.6 - cost implications. Overall, the WG expects that there will be a one-off cost involved in the actual transition from thin to thick, but the WG also notes that considering synergies in the implementation process may minimize such costs. For example, instead of requiring all registrar data to be transferred to the registry at a certain point in time, this could coincide with the submission by the registrar of the data to the escrow agent so that it may only involve minor adjustments to submit that data to the gTLD operator. Also, as virtually all registrars already

deal with thick TLDs and the only registry currently operating thin gTLDs also operates thick gTLDs, it is the expectation that there is hardly no learning curve or software development needed.

- **Guidelines as to how to conduct such a transition (timeline, requirements, potential changes to Registration Agreements, etc.)**
  The WG notes that valuable information may be learned from the PIR Post Transition Report that describes the transition of .org from thin to thick and recommends that specification 4 of the 2013 new gTLD Registry Agreement (see Annex F) could serve as a model for implementation. The WG notes that specific consideration will need to be given to the timeline for implementation, noting that in certain cases more time may be needed than in others to meet the requirements, but the WG does emphasize that implementation of one part of the recommendation (for example, transition of existing thin gTLD registries to thick model) should not unnecessarily delay the implementation of another part of the recommendation (for example, the consistent labelling and display of such data). The WG does recommend that as part of the implementation a team is formed consisting of experts from the parties that will be most affected by this transition, together with ICANN Staff, to work out such details. It is the expectation that any implementation plan would be shared with the ICANN Community for input.

- **Are special provisions and/or exemptions needed for gTLD registries which operate a thick Whois but provide tiered access, for example?**
  The WG notes that ICANN already has a Procedure for Handling Whois Conflicts with Privacy Law in place. Furthermore, the WG notes that the proposed 2013 RAA also includes a proposed mechanism for a registrar to request a waiver if the collection and/or retention of any data element violate applicable local law. The WG does not intend or expect that any of these exemptions or special provisions granted under these procedures are affected by a requirement for thick Whois for all gTLD registries.

7.3 Additional Observations

The WG would like to share the following observations that emerged as part of its deliberations on the different elements as outlined in section 5. These are not within scope of its Charter, but the WG would nevertheless like to document them so that the GNSO Council / ICANN Staff can take further action if deemed appropriate and timely.

Data Escrow: The WG suggests that ICANN consider exploring the implications of two escrows, which could conceivably be stored at the same site removing the benefit of the duplication, and the implications of registrar/registry integration which could result in those "two" sites being co-located. Furthermore, the WG observed that in the case of a registrar failure, ICANN does not necessarily have a legal right to retrieve data from the registry's escrow account. It was pointed out that the new gTLD registry agreement foresees a clause that gives ICANN access to registry data in exceptional casus, such as registrar failure, which could be replicated to other gTLD registration agreements. In this context, the WG also observed that this issue should receive further attention as in the new environment there may be other scenarios (e.g. failure of a vertically integrated registry / registrar) that are not foreseen in the current model of data escrow.

Authoritativeness: The WG observes that UDRP providers consider registrar data to be authoritative (whether it is thick or thin), while in all other circumstances the registry data is considered authoritative under the thick Whois model. The WG suggests that the GNSO Council further consider this issue.

Privacy & Data Protection: The WG notes the increasing number of data protection and privacy laws and regulations around the world, as well as specific Whois-related concerns raised by the public. While recognizing that this exceeds the scope of our remit, we suggest that, as part of the development of the registration data directory system model currently in process, ICANN ensure that the ramifications of data protection and privacy laws and regulations with respect to Whois requirements be examined thoroughly. We make these points as part of that suggestion:

1) Examinations must include data collection, data disclosure, and data retention laws, as well as data quality requirements under data protection principles. These examinations must be

ongoing, as new data protection laws take effect and old ones are amended on a continual basis. The European Union Data Privacy Framework is well known and proposed amendments have received much attention. Additionally, the Singapore Personal Data Protection Commission has begun with the implementation of its Personal Data Protection Act (see http://www.pdpc.gov.sg/personal-data-protection-act/overview).

2) Government inquiries can be expensive for a registrar or registry even if they do not lead to formal action. We suggest specifically that the procedures cited above for handling conflicts with privacy laws be reviewed to ensure that they can be invoked on the basis of documented and objectively well-founded concrete concerns about conflicts with local rules. Accommodations for conflicts between Whois requirements and data protection laws have been made without a requirement of law enforcement inquiry through RSEPs initiated by .cat and .tel;

3) Reviews of the relevant questions already are occurring or have occurred, as evidenced by, for example, the Data Retention Specification in the Draft RAA currently open for public comment and Section 7.13, Severability; Conflicts with Laws of the draft RA also in the ICANN comment phase. However,

4) Given the dynamic nature of laws and contracts that may address what data protections should be in place, as well as increasing complexities, the examinations must be limited to: provisions that have the force of law at any given time, authoritative statements from relevant governments about those provisions, or contract provisions that are final. If a decision is made to examine broader frameworks, those analyses must focus on what exists, not changes that may happen. It is not possible to anticipate what will happen or address all possibilities.

5) Some level of real world review of the efficacy of data protection provisions must occur as part of any reviews. As examples, a) what is the real effect of data retention provisions or b) do safe harbor laws really provide data protection assurances.

Annex A – PDP WG Charter

WG Name:	Thick Whois PDP Working Group	
Section I: Working Group Identification		
Chartering Organization(s):	GNSO Council	
Charter Approval Date:	17 October 2012	
Name of WG Chair:	Mikey O'Connor	
Name(s) of Appointed Liaison(s):	Volker Greimann	
WG Workspace URL:	https://community.icann.org/display/PDP/Home	
WG Mailing List:	http://forum.icann.org/lists/gnso-thickwhois-wg/	
GNSO Council Resolution:	**Title:**	Motion to approve the Charter for the thick Whois PDP Working Group
	Ref # & Link:	http://gnso.icann.org/en/resolutions#20121017-3
Important Document Links:	• Thick Whois Final Issue Report (http://gnso.icann.org/issues/whois/final-report-thick-whois-02feb12-en.pdf) • GNSO Working Group Guidelines (http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-08apr11-en.pdf) • GNSO PDP Manual (http://gnso.icann.org/council/annex-2-pdp-manual-16dec11-en.pdf) • Annex A – GNSO Policy Development Process of the ICANN Bylaws (http://www.icann.org/en/about/governance/bylaws#AnnexA)	
Section II: Mission, Purpose, and Deliverables		
Mission & Scope:		
Background ICANN specifies Whois service requirements through Registry Agreements (RAs) and the Registrar Accreditation Agreement (RAA) for the generic top-level domain (gTLD) registries.		

Registries have historically satisfied their Whois obligations under two different models. The two models are often characterized as “thin” and “thick” Whois registries. This distinction is based on how two distinct sets of data are maintained.

Whois contains two kinds of data about a domain name; one set of data is associated with the domain name (this information includes data sufficient to identify the sponsoring registrar, status of the registration, creation and expiration dates for each registration, name server data, the last time the record was updated in the registry database, and the URL for the registrar’s Whois service), and a second set of data that is associated with the registrant of the domain name.

In a thin registration model the registry only collects the information associated with the domain name from the Registrar. The registry in turn publishes that information along with maintaining certain status information at the registry level. Registrars maintain data associated with the registrant of the domain and provide it via their own Whois services, as required by Section 3.3 of the RAA for those domains they sponsor [1] .

In a thick registration model the registry collects both sets of data (domain name and registrant) from the Registrar and in turn publishes that data via Whois.

Mission and Scope

The PDP Working Group is tasked to provide the GNSO Council with a policy recommendation regarding the use of thick Whois by all gTLD registries, both existing and future. As part of its deliberations on this issue, the PDP WG should, at a minimum, consider the following elements as detailed in the Final Issue Report:

- Response consistency: a thick registry can dictate the labeling and display of Whois information to be sure the information is easy to parse, and all registrars/clients would have to display it accordingly. This could be considered a benefit but also a potential cost. This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.
- Stability: in the event of a Registrar business or technical failure, it could be beneficial to ICANN and

registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the Registrar, and the Registrar's escrow agent), which would be the case in a thick registry.

- Accessibility: is the provision of Whois information at the registry level under the thick Whois model more effective and cost-effective than a thin model in protecting consumers and users of Whois data and intellectual property owners?
- Impact on privacy and data protection: how would thick Whois affect privacy and data protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy as well as possible cross border transfers of registrant data?
- Cost implications: what are the cost implications of a transition to thick Whois for registries, registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to registries, registrars, registrants and other parties if no transition is mandated?
- Synchronization/migration: what would be the impact on the registry and registrar Whois and EPP systems for those registries currently operating a thin registry, both in the migration phase to thick Whois as well as ongoing operations?
- Authoritativeness: what are the implications of a thin registry possibly becoming authoritative for registrant Whois data following the transition from a thin-registry model to a thick-registry model. The Working Group should consider the term “authoritative” in both the technical (the repository of the authoritative data) and policy (who has authority over the data) meanings of the word when considering this issue.
- Competition in registry services: what would be the impact on competition in registry services should all registries be required to provide Whois service using the thick Whois model – would there be more, less or no difference with regard to competition in registry services?
- Existing Whois Applications: What, if anything, are the potential impacts on the providers of third-party Whois-related applications if thick Whois is required for all gtLDs?
- Data escrow: thick Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.
- Registrar Port 43 Whois requirements: thick Whois could make the requirement for registrars to maintain Port 43 Whois access redundant.

Should the PDP WG reach consensus on a recommendation that thick Whois should be required for all gTLDs,

the PDP WG is also expected to consider:

- Cost implications for gTLD registries, registrars and registrants of a transition to thick Whois
- Guidelines as to how to conduct such a transition (timeline, requirements, potential changes to Registration Agreements, etc.)
- Are special provisions and/or exemptions needed for gTLD registries which operate a thick Whois but provide tiered access [2] , for example?

In addition, the PDP WG should take into account other ICANN initiatives that may help inform the deliberations limited to this specific topic such as;

- Registry/registrar separation and related developments with regards to access to customer data;
- Output from any/all of the four Whois Studies chartered by the GNSO Council, if completed in time for consideration by the WG;
- The 2004 transition of .ORG from thin to thick;
- The work being done concurrently on the internationalization of Whois and the successor to the Whois protocol and data model;
- Results of the RAA negotiations, and
- Recommendations of the Whois Review Team.

The PDP WG is also expected to consider any information and advice provided by other ICANN Supporting Organizations and Advisory Committees on this topic. The WG is strongly encouraged to reach out to these groups for collaboration at an early stage of its deliberations, to ensure that their concerns and positions are considered in a timely manner.

Objectives & Goals:

To develop, at a minimum, an Initial Report and a Final Report regarding the use of thick Whois by all gTLD registries, both existing and future to be delivered to the GNSO Council, following the processes described in Annex A of the ICANN Bylaws and the GNSO PDP Manual.

Deliverables & Timeframes:

The WG shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and the PDP Manual. As per the GNSO Working Group Guidelines, the WG shall develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones of the PDP as set out in Annex A of the

ICANN Bylaws and the PDP Manual and submit this to the GNSO Council.
Section III: Formation, Staffing, and Organization
Membership Criteria:
The Working Group will be open to all interested in participating. New members who join after certain parts of work has been completed are expected to review previous documents and meeting transcripts.
Group Formation, Dependencies, & Dissolution:
This WG shall be a standard GNSO PDP Working Group. The GNSO Secretariat should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group, including: - Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and - Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees
Working Group Roles, Functions, & Duties:
The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate. Staff assignments to the Working Group: • GNSO Secretariat • 1 ICANN policy staff member (Marika Konings) The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.
Statements of Interest (SOI) Guidelines:
Each member of the Working Group is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.
Section IV: Rules of Engagement
Decision-Making Methodologies:
{Note: The following material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering

Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology, this section should be amended as appropriate}.

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.**
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus** , **Strong support but significant opposition** , and **No Consensus;** or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence,** the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work

as follows:

i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.

ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.

iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.

iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

- A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
- It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence.**

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls where taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists,

members of the WG may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

Status Reporting:

As requested by the GNSO Council, taking into account the recommendation of the Council liaison to this group.

Problem/Issue Escalation & Resolution Processes:

{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}

The WG will adhere to ICANN's Expected Standards of Behavior as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

Closure & Working Group Self-Assessment:

The WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

Section V: Charter Document History			
Version	**Date**	**Description**	
1.0	8 October 2012	Final version submitted by the DT to the GNSO Council for consideration	
Staff Contact:	Marika Konings	**Email:**	Policy-staff@icann.org

[1] 'A Registered Name is "sponsored" by the registrar that placed the record associated with that registration into the registry. Sponsorship of a registration may be changed at the express direction of the Registered Name Holder or, in the event a registrar loses accreditation, in accordance with then-current ICANN specifications and policies' (see http://www.icann.org/en/resources/registrars/raa/ra-agreement-21may09-en.htm)

[2] For some registries, Thick Whois information is available at the registry, but public access to the data is organized in tiers. For example, for .name, the full set of data is available to requesters if the requester enters into an agreement with the registry under the Extensive Whois Data tier. See http://www.icann.org/en/tlds/agreements/name/appendix-05-15aug07.htm for further details.

Annex B – Template for Constituency & Stakeholder Group Statement

Stakeholder Group / Constituency / Input Template

thick Whois PDP Working Group

PLEASE SUBMIT YOUR RESPONSE AT THE LATEST **BY 9 January 2013** TO THE GNSO SECRETARIAT (gnso.secretariat@gnso.icann.org), which will forward your statement to the Working Group. If additional time is needed by your SG / C to provide your feedback, please inform the secretariat accordingly, including the expected delivery date so that this can be factored in by the WG.

The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group / Constituency representatives, to collaborate broadly with knowledgeable individuals and organizations, in order to consider recommendations in relation to thick Whois.

Part of the working group's effort will be to incorporate ideas and suggestions gathered from Stakeholder Groups, Constituencies through this template Statement. Please note that the WG is currently in an information-gathering phase. Inserting your response in this form will make it much easier for the Working Group to summarize the responses. This information is helpful to the community in understanding the points of view of various stakeholders. However, you should feel free to add any information you deem important to inform the working group's deliberations, even if this does not fit into any of the questions listed below.

For further information, please visit the WG Workspace (https://community.icann.org/display/PDP/Home).

Process

- Please identify the member(s) of your stakeholder group / constituency who is (are) participating in this working group
- Please identify the members of your stakeholder group / constituency who participated in

developing the perspective(s) set forth below
- Please describe the process by which your stakeholder group / constituency arrived at the perspective(s) set forth below
- If not indicated otherwise, the WG will consider your submission a SG / C position / contribution. Please note that this should not prevent the submission of individual and/or minority views as part of your submission, as long as these are clearly identified.

Topics:

The WG is tasked to provide the GNSO Council with a policy recommendation regarding the use of thick Whois by all gTLD registries, both existing and future. As part of its deliberations, the WG is expected to consider the topics listed below in the context of thick Whois. Please provide your stakeholder group's / constituency's views, including quantitative and/or empirical information supporting your views, on these topics in relation to whether or not to require thick Whois for all gTLDs and/or provide any information that you think will help the WG in its deliberations (for further information on each of these topics, please see the WG Charter https://community.icann.org/x/vIg3Ag):

- Response consistency - a thick registry can dictate the labeling and display of Whois information to be sure the information is easy to parse, and all registrars/clients would have to display it accordingly. This could be considered a benefit but also a potential cost. This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.

Your view:

- Stability - in the event of a Registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the Registrar, and the Registrar's escrow agent), which would be the case in a thick registry.

Your view:

- Accessibility - is the provision of Whois information at the registry level under the thick Whois model more effective and cost-effective than a thin model in protecting consumers and users of Whois data and intellectual property owners?

Your view:

- Impact on privacy and data protection - how would thick Whois affect privacy and data protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy as well as possible cross border transfers of registrant data?

Your view:

- Cost implications - what are the cost implications of a transition to thick Whois for registries, registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to registries, registrars, registrants and other parties if no transition is mandated?

Your view:

- Synchronization/migration - what would be the impact on the registry and registrar Whois and EPP systems for those registries currently operating a thin registry, both in the migration phase to thick Whois as well as ongoing operations?

Your view:

- Authoritativeness - what are the implications of a thin registry possibly becoming authoritative for registrant Whois data following the transition from a thin-registry model to a thick-registry model. The Working Group should consider the term “authoritative” in both the technical (the repository of the authoritative data) and policy (who has authority over the data) meanings of the word when considering this issue.

Your view:

- Competition in registry services - what would be the impact on competition in registry services should all registries be required to provide Whois service using the thick Whois model – would there be more, less or no difference with regard to competition in registry services?

Your view:

- Existing Whois Applications - What, if anything, are the potential impacts on the providers of third-party Whois-related applications if thick Whois is required for all gtLDs?

Your view:

- Data escrow - thick Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.

Your view:

- Registrar Port 43 Whois requirements - thick Whois could make the requirement for registrars to maintain Port 43 Whois access redundant.

Your view:

Based on your assessment of these topics, you are also encouraged to indicate whether you think there should or there shouldn't be a requirement for thick Whois by all gTLD registries.

Your view:

If there is any other information you think should be considered by the WG as part of its deliberations, please feel free to include that here.

Other information:

Annex C – Request for input from ICANN SO / ACs

Dear SO/AC Chair,

As you may be aware, the GNSO Council recently initiated a Policy Development Process (PDP) on thick Whois. As part of its efforts to obtain input from the broader ICANN Community at an early stage of its deliberations, the Working Group that has been tasked with addressing this issue is looking for any input or information that may help inform its deliberations. You are strongly encouraged to provide any input or information you or members of your respective communities may have to the GNSO Secretariat (gnso.secretariat@gnso.icann.org).

For further background information on the WG's activities to date, please see https://community.icann.org/display/PDP/Home. Below you'll find an overview of the issues that the WG's has been tasked to address per its charter.

If possible, the WG would greatly appreciate if it could receive your input by 9 January 2012 at the latest. If you cannot submit your input by that date, but your group would like to contribute, please let us know when we can expect to receive your contribution so we can plan accordingly. Your input will be very much appreciated.

With best regards,

Mikey O'Connor, Chair of the thick Whois PDP Working Group

From the Charter (see https://community.icann.org/x/vIg3Ag):

The PDP Working Group is tasked to provide the GNSO Council with a policy recommendation regarding the use of thick Whois by all gTLD registries, both existing and future. As part of its deliberations on this issue, the PDP WG should, at a minimum, consider the following elements as detailed in the Final Issue Report:

- Response consistency: a thick registry can dictate the labeling and display of Whois information to be sure the information is easy to parse, and all registrars/clients would have to display it accordingly. This could be considered a benefit but also a potential cost. This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.
- Stability: in the event of a Registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the Registrar, and the Registrar's escrow agent), which would be the case in a thick registry.
- Accessibility: is the provision of Whois information at the registry level under the thick Whois model more effective and cost-effective than a thin model in protecting consumers and users of Whois data and intellectual property owners?
- Impact on privacy and data protection: how would thick Whois affect privacy and data

protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy as well as possible cross border transfers of registrant data?
- Cost implications: what are the cost implications of a transition to thick Whois for registries, registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to registries, registrars, registrants and other parties if no transition is mandated?
- Synchronization/migration: what would be the impact on the registry and registrar Whois and EPP systems for those registries currently operating a thin registry, both in the migration phase to thick Whois as well as ongoing operations?
- Authoritativeness: what are the implications of a thin registry possibly becoming authoritative for registrant Whois data following the transition from a thin-registry model to a thick-registry model. The Working Group should consider the term "authoritative" in both the technical (the repository of the authoritative data) and policy (who has authority over the data) meanings of the word when considering this issue.
- Competition in registry services: what would be the impact on competition in registry services should all registries be required to provide Whois service using the thick Whois model – would there be more, less or no difference with regard to competition in registry services?
- Existing Whois Applications: What, if anything, are the potential impacts on the providers of third-party Whois-related applications if thick Whois is required for all gtLDs?
- Data escrow: thick Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.
- Registrar Port 43 Whois requirements: thick Whois could make the requirement for registrars to maintain Port 43 Whois access redundant.

Should the PDP WG reach consensus on a recommendation that thick Whois should be required for all gTLDs, the PDP WG is also expected to consider:
- Cost implications for gTLD registries, registrars and registrants of a transition to thick Whois
- Guidelines as to how to conduct such a transition (timeline, requirements, potential changes to Registration Agreements, etc.)
- Are special provisions and/or exemptions needed for gTLD registries which operate a thick Whois but provide tiered access, for example?

In addition, the PDP WG should take into account other ICANN initiatives that may help inform the deliberations limited to this specific topic such as;
- Registry/registrar separation and related developments with regards to access to customer data;
- Output from any/all of the four Whois Studies chartered by the GNSO Council, if completed in time for consideration by the WG;
- The 2004 transition of .ORG from thin to thick;
- The work being done concurrently on the internationalization of Whois and the successor to the Whois protocol and data model;
- Results of the RAA negotiations, and
- Recommendations of the Whois Review Team.

Annex D – Topics Poll Results

thick Whois PDP WG - Topics Poll

Introduction

This is a quick survey to collect two kinds of information – your interest in participating in sub-groups focused on each of our topics, and your suggestions as to sources of information or experts about those topics.

You are welcome to offer information-source and expert suggestions for all topics, not just the ones that you are volunteering to focus on.

Questions

1. **Authoritativeness**: what are the implications of a thin registry possibly becoming authoritative for registrant Whois data following the transition from a thin-registry model to a thick-registry model. The Working Group should consider the term "authoritative" in both the technical (the repository of the authoritative data) and policy (who has authority over the data) meanings of the word when considering this issue.

I would like to participate in the sub-team for this topic:

- Jill Titzer (RrSG)
- Titi Akinsanmi (ALAC)
- Amr Elsadr (NCSG)
- Tim Ruiz (RrSG)
- Jeff Neuman (RySG)
- Steve Metalitz (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

2. **Stability:** in the event of a Registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four

organizations (the registry, the registry's escrow agent, the Registrar, and the Registrar's escrow agent), which would be the case in a thick registry.

I would like to participate in the sub-team for this topic:

- Alan Greenberg (ALAC)
- Carolyn Hoover (RySG)
- Tim Ruiz (RrSG)
- Jeff Neuman (RySG)
- Christopher E George (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

3. **Data escrow:** thick Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.

I would like to participate in the sub-team for this topic

- Alan Greenberg (ALAC)
- Carolyn Hoover (RySG)
- Frederic Guillemaut (RrSG)
- Tim Ruiz (RrSG)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

4. **Synchronization/migration:** what would be the impact on the registry and registrar Whois and EPP systems for those registries currently operating a thin registry, both in the migration phase to thick Whois as well as ongoing operations?

I would like to participate in the sub-team for this topic:

- Jill Titzer (RrSG)
- Susan Kawaguchi (BC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

5. **Response consistency:** a thick registry can dictate the labeling and display of Whois information to be sure the information is easy to parse, and all registrars/clients would have to display it

accordingly. This could be considered a benefit but also a potential cost. This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.

I would like to participate in the sub-team for this topic:

- Jill Titzer (RrSG)
- Carlton Samuels (ALAC)
- Carolyn Hoover (RySG)
- Michael Shohat (RrSG)
- Susan Prosser (RrSG)
- Tim Ruiz (RrSG)
- Marie-laure Lemineur (NPOC)
- Susan Kawaguchi (BC)
- Christopher E George (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

6. **Accessibility:** is the provision of Whois information at the registry level under the thick Whois model more effective and cost-effective than a thin model in protecting consumers and users of Whois data and intellectual property owners?

I would like to participate in the sub-team for this topic:

- Jill Titzer (RrSG)
- Carlton Samuels (ALAC)
- Titi Akinsanmi (ALAC)
- Amr Elsadr (NCSG)
- Jennifer Wolfe (NomCom)
- Michael Shohat (RrSG)
- Evan Leibovitch (ALAC)
- Susan Prosser (RrSG)
- Tim Ruiz (RrSG)
- Jeff Neuman (RySG)
- Susan Kawaguchi (BC)
- Christopher E George (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

- NORC study commissioned by ICANN. See http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf); Whois Policy Review Team Final Report,

http://www.icann.org/en/about/aoc-review/whois/final-report-11may12-en.pdf , at 15. (suggested by Steve Metalitz)

7. **Impact on privacy and data protection:** how would thick Whois affect privacy and data protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy as well as possible cross border transfers of registrant data?

I would like to participate in the sub-team for this topic:

- Alan Greenberg (ALAC)
- Carlton Samuels (ALAC)
- Titi Akinsanmi (ALAC)
- Amr Elsadr (NCSG)
- Roy Balleste (NCUC)
- Jennifer Wolfe (NomCom)
- Michael Shohat (RrSG)
- Susan Prosser (RrSG)
- Marie-laure Lemineur (NPOC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

- Dr. Joanna Kulesza, Faculty of Law and Administration, University of Lodz (Suggested by Roy Balleste, NCUC)

8. **Competition in registry services:** what would be the impact on competition in registry services should all registries be required to provide Whois service using the thick Whois model – would there be more, less or no difference with regard to competition in registry services?

I would like to participate in the sub-team for this topic:

- Alan Greenberg (ALAC)
- Jill Titzer (RrSG)
- Amr Elsadr (NCSG)
- Jeff Neuman (RySG)
- Jonathan Zuck (IPC)
- Steve Metalitz (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

- Need to look at survey and sales data for both kinds of registries (suggested by Jonathan Zuck)

9. **Existing Whois Applications:** What, if anything, are the potential impacts on the providers of third-party Whois-related applications if thick Whois is required for all gtLDs?

I would like to participate in the sub-team for this topic:

- Titi Akinsanmi (ALAC)
- Susan Prosser (RrSG)
- Susan Kawaguchi (BC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

10. **Registrar Port 43 Whois requirements:** thick Whois could make the requirement for registrars to maintain Port 43 Whois access redundant.

I would like to participate in the sub-team for this topic:

- Alan Greenberg (ALAC)
- Carlton Samuels (ALAC)
- Frederic Guillemaut (RrSG)
- Tim Ruiz (RrSG)
- Steve Metalitz (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

- Registrar Constituency (Suggested by Frederic Guillemaut, RrSG)

11. **Cost implications:** what are the cost implications of a transition to thick Whois for registries, registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to registries, registrars, registrants and other parties if no transition is mandated?

I would like to participate in the sub-team for this topic

- Alan Greenberg (ALAC)
- Jill Titzer (RrSG)
- Michael Shohat (RrSG)
- Jeff Neuman (RySG)
- Christopher E George (IPC)

Here are my suggested information-sources (or experts who would be good advisors) about this topic:

Annex E – 2013 RAA - Registration Data Directory Service (Whois) Specification

1. **Registration Data Directory Services.** Until ICANN requires a different protocol, Registrar will operate a WHOIS service available via port 43 in accordance with RFC 3912, and a web-based Directory Service providing free public query-based access to at least the elements set forth in Section 3.3.1.1 through 3.3.1.8 of the Registrar Accreditation Agreement in the format set forth in Section 1.4 of this Specification. ICANN reserves the right to specify alternative formats and protocols, and upon such specification, the Registrar will implement such alternative specification as soon as reasonably practicable.

Following the publication by the IETF of a Proposed Standard, Draft Standard or Internet Standard and any revisions thereto (as specified in RFC 2026) relating to the web-based directory service as specified in the IETF Web Extensible Internet Registration Data Service working group, Registrar shall implement the directory service specified in any such standard (or any revision thereto) no later than 135 days after such implementation is requested by ICANN. Registrar shall implement internationalized registration data publication guidelines according to the specification published by ICANN following the work of the ICANN Internationalized Registration Data Working Group (IRD-WG) and its subsequent efforts, no later than 135 days after it is approved by the ICANN Board.

1.1. The format of responses shall follow a semi-free text format outline below, followed by a blank line and a legal disclaimer specifying the rights of Registrar, and of the user querying the database.

1.2. Each data object shall be represented as a set of key/value pairs, with lines beginning with keys, followed by a colon and a space as delimiters, followed by the value.

1.3. For fields where more than one value exists, multiple numbered key/value pairs with the same key shall be allowed (for example to list multiple name servers). The first key/value

pair after a blank line should be considered the start of a new record, and should be considered as identifying that record, and is used to group data, such as hostnames and IP addresses, or a domain name and registrant information, together.

1.4. **Domain Name Data:**

1.4.1. **Query format:** whois –h whois.example-registrar.tld EXAMPLE.TLD

1.4.2. **Response format:**

The format of responses shall contain all the elements and follow a semi-free text format outline below. Additional data elements can be added at the end of the text format outlined below. The data element may, at the option of Registrar, be followed by a blank line and a legal disclaimer specifying the rights of Registrar, and of the user querying the database (provided that any such legal disclaimer must be preceded by such blank line).

Domain Name: EXAMPLE.TLD
Registry Domain ID: D1234567-TLD
Registrar WHOIS Server: whois.example-registrar.tld
Registrar URL: http://www.example-registrar.tld
Updated Date: 2009-05-29T20:13:00Z
Creation Date: 2000-10-08T00:45:00Z
Registrar Registration Expiration Date: 2010-10-08T00:44:59Z
Registrar: EXAMPLE REGISTRAR LLC
Registrar IANA ID: 5555555
Registrar Abuse Contact Email: email@registrar.tld
Registrar Abuse Contact Phone: +1.1235551234
Reseller: EXAMPLE RESELLER[1]
Domain Status: clientDeleteProhibited[2]
Domain Status: clientRenewProhibited
Domain Status: clientTransferProhibited
Registry Registrant ID: 5372808-ERL[3]
Registrant Name: EXAMPLE REGISTRANT[4]
Registrant Organization: EXAMPLE ORGANIZATION
Registrant Street: 123 EXAMPLE STREET
Registrant City: ANYTOWN
Registrant State/Province: AP[5]
Registrant Postal Code: A1A1A1[6]
Registrant Country: AA
Registrant Phone: +1.5555551212
Registrant Phone Ext: 1234[7]
Registrant Fax: +1.5555551213
Registrant Fax Ext: 4321

Registrant Email: EMAIL@EXAMPLE.TLD
Registry Admin ID: 5372809-ERL[8]
Admin Name: EXAMPLE REGISTRANT ADMINISTRATIVE
Admin Organization: EXAMPLE REGISTRANT ORGANIZATION
Admin Street: 123 EXAMPLE STREET
Admin City: ANYTOWN
Admin State/Province: AP
Admin Postal Code: A1A1A1
Admin Country: AA
Admin Phone: +1.5555551212
Admin Phone Ext: 1234
Admin Fax: +1.5555551213
Admin Fax Ext: 1234
Admin Email: EMAIL@EXAMPLE.TLD
Registry Tech ID: 5372811-ERL[9]
Tech Name: EXAMPLE REGISTRANT TECHNICAL
Tech Organization: EXAMPLE REGISTRANT LLC
Tech Street: 123 EXAMPLE STREET
Tech City: ANYTOWN
Tech State/Province: AP
Tech Postal Code: A1A1A1
Tech Country: AA
Tech Phone: +1.1235551234
Tech Phone Ext: 1234
Tech Fax: +1.5555551213
Tech Fax Ext: 93
Tech Email: EMAIL@EXAMPLE.TLD
Name Server: NS01.EXAMPLE-REGISTRAR.TLD[10]
Name Server: NS02.EXAMPLE-REGISTRAR.TLD
DNSSEC: signedDelegation
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.5. The format of the following data fields: domain status, individual and organizational names, address, street, city, state/province, postal code, country, telephone and fax numbers, email addresses, date and times must conform to the mappings specified in EPP RFCs 5730-5734 (or its successors), and IPv6 addresses format should conform to RFC 5952 (or its successor), so that the display of this information (or values returned in WHOIS responses) can be uniformly processed and understood.

Annex F – Specification 4 of the 2013 new gTLD Registration Agreement

REGISTRATION DATA PUBLICATION SERVICES

1. **Registration Data Directory Services**. Until ICANN requires a different protocol, Registry Operator will operate a WHOIS service available via port 43 in accordance with RFC 3912, and a web-based Directory Service at <whois.nic.TLD> providing free public query-based access to at least the following elements in the following format. ICANN reserves the right to specify alternative formats and protocols, and upon such specification, the Registry Operator will implement such alternative specification as soon as reasonably practicable.

   Registry Operator shall implement a new standard supporting access to domain name registration data (SAC 051) no later than one hundred thirty-five (135) days after it is requested by ICANN if: 1) the IETF produces a standard (i.e., it is published, at least, as a Proposed Standard RFC as specified in RFC 2026); and 2) its implementation is commercially reasonable in the context of the overall operation of the registry.

   1.1. The format of responses shall follow a semi-free text format outline below, followed by a blank line and a legal disclaimer specifying the rights of Registry Operator, and of the user querying the database.

   1.2. Each data object shall be represented as a set of key/value pairs, with lines beginning with keys, followed by a colon and a space as delimiters, followed by the value.

   1.3. For fields where more than one value exists, multiple key/value pairs with the same key shall be allowed (for example to list multiple name servers). The first key/value pair after a blank line should be considered the start of a new record,

and should be considered as identifying that record, and is used to group data, such as hostnames and IP addresses, or a domain name and registrant information, together.

1.4. The fields specified below set forth the minimum output requirements. Registry Operator may output data fields in addition to those specified below, subject to approval by ICANN, which approval shall not be unreasonably withheld.

1.5. **Domain Name Data:**

1.5.1 **Query format:** whois EXAMPLE.TLD

1.5.2 **Response format:**

Domain Name: EXAMPLE.TLD Domain ID: D1234567-
TLD
WHOIS Server: whois.example.tld Referral URL:
http://www.example.tld Updated Date: 2009-05-
29T20:13:00Z
Creation Date: 2000-10-08T00:45:00Z Registry Expiry Date:
2010-10-08T00:44:59Z
Sponsoring Registrar: EXAMPLE REGISTRAR LLC Sponsoring Registrar IANA ID:
5555555
Domain Status: clientDeleteProhibited Domain Status:
clientRenewProhibited Domain Status:
clientTransferProhibited Domain Status:
serverUpdateProhibited
Registrant ID: 5372808-ERL
Registrant Name: EXAMPLE REGISTRANT Registrant Organization:
EXAMPLE ORGANIZATION Registrant Street: 123 EXAMPLE STREET
Registrant City: ANYTOWN
Registrant State/Province: AP Registrant Postal Code:
A1A1A1 Registrant Country: EX
Registrant Phone: +1.5555551212
Registrant Phone Ext: 1234 Registrant Fax:
+1.5555551213 Registrant Fax Ext: 4321
Registrant Email: EMAIL@EXAMPLE.TLD
Admin ID: 5372809-ERL

Admin Name: EXAMPLE REGISTRANT ADMINISTRATIVE
Admin Organization: EXAMPLE REGISTRANT ORGANIZATION Admin Street: 123 EXAMPLE STREET
Admin City: ANYTOWN Admin
State/Province: AP Admin Postal Code:
A1A1A1 Admin Country: EX
Admin Phone: +1.5555551212 Admin Phone
Ext: 1234 Admin Fax: +1.5555551213
Admin Fax Ext:
Admin Email: EMAIL@EXAMPLE.TLD Tech ID: 5372811-ERL
Tech Name: EXAMPLE REGISTRAR TECHNICAL
Tech Organization: EXAMPLE REGISTRAR LLC Tech Street: 123 EXAMPLE STREET
Tech City: ANYTOWN Tech
State/Province: AP Tech Postal Code:
A1A1A1 Tech Country: EX
Tech Phone: +1.1235551234
Tech Phone Ext: 1234 Tech Fax:
+1.5555551213
Tech Fax Ext: 93
Tech Email: EMAIL@EXAMPLE.TLD
Name Server: NS01.EXAMPLEREGISTRAR.TLD Name Server:
NS02.EXAMPLEREGISTRAR.TLD
DNSSEC: signedDelegation
DNSSEC: unsigned
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.6. **Registrar Data:**

1.6.1 **Query format**: whois "registrar Example Registrar, Inc."

1.6.2 **Response format:**

Registrar Name: Example Registrar, Inc.
Street: 1234 Admiralty Way
City: Marina del Rey
State/Province: CA Postal Code: 90292
Country: US
Phone Number: +1.3105551212
Fax Number: +1.3105551213
Email: registrar@example.tld
WHOIS Server: whois.example-registrar.tld

Referral URL: http://www.example-registrar.tld
Admin Contact: Joe Registrar
Phone Number:
+1.3105551213
Fax Number:
+1.3105551213
Email: joeregistrar@example-registrar.tld Admin
Contact: Jane Registrar
Phone Number:
+1.3105551214
Fax Number:
+1.3105551213
Email: janeregistrar@example-registrar.tld Technical
Contact: John Geek
Phone Number:
+1.3105551215
Fax Number:
+1.3105551216
Email: johngeek@example-registrar.tld
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.7. **Nameserver Data:**

1.7.1 **Query format**: whois "NS1.EXAMPLE.TLD", whois "nameserver (nameserver name)", or whois "nameserver (IP Address)"

1.7.2 **Response format:**

Server Name:
NS1.EXAMPLE.TLD IP Address:
192.0.2.123 IP Address:
2001:0DB8::1 Registrar:
Example Registrar, Inc.
WHOIS Server: whois.example-registrar.tld
Referral URL: http://www.example-registrar.tld
>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

1.8. The format of the following data fields: domain status, individual and organizational names, address, street, city, state/province, postal code, country, telephone and fax numbers (the extension will be provided as a separate field as shown above), email addresses, date and times should conform to the mappings specified in EPP RFCs 5730-5734 so that the display of this information (or values return in WHOIS responses) can be

uniformly processed and understood.

1.9. In order to be compatible with ICANN's common interface for WHOIS (InterNIC), WHOIS output shall be in the format outline above.

1.10. **Searchability**. Offering searchability capabilities on the Directory Services is optional but if offered by the Registry Operator it shall comply with the specification described in this section.

1.10.1 Registry Operator will offer searchability on the web-based Directory Service.

1.10.2 Registry Operator will offer partial match capabilities, at least, on the following fields: domain name, contacts and registrant's name, and contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.).

1.10.3 Registry Operator will offer exact-match capabilities, at least, on the following fields: registrar id, name server name, and name server's IP address (only applies to IP addresses stored by the registry, i.e., glue records).

1.10.4 Registry Operator will offer Boolean search capabilities supporting, at least, the following logical operators to join a set of search criteria: AND, OR, NOT.

1.10.5 Search results will include domain names matching the search criteria.

1.10.6 Registry Operator will: 1) implement appropriate measures to avoid abuse of this feature (e.g., permitting access only to legitimate authorized

users); and 2) ensure the feature is in compliance with any applicable privacy laws or policies.

1.11. Registry Operator shall provide a link on the primary website for the TLD (i.e., the website provided to ICANN for publishing on the ICANN website) to a web page designated by ICANN containing WHOIS policy and educational materials.

2. Zone File Access

2.1. Third-Party Access

2.1.1 **Zone File Access Agreement**. Registry Operator will enter into an agreement with any Internet user, which will allow such user to access an Internet host server or servers designated by Registry Operator and download zone file data. The agreement will be standardized, facilitated and administered by a Centralized Zone Data Access Provider, which may be ICANN or an ICANN designee (the "CZDA Provider"). Registry Operator (optionally through the CZDA Provider) will provide access to zone file data per Section 2.1.3 of this Specification and do so using the file format described in Section 2.1.4 of this Specification. Notwithstanding the foregoing, (a) the CZDA Provider may reject the request for access of any user that does not satisfy the credentialing requirements in Section 2.1.2 below; (b) Registry Operator may reject the request for access of any user that does not provide correct or legitimate credentials under Section 2.1.2 below or where Registry Operator reasonably believes will violate the terms of Section 2.1.5. below; and, (c) Registry Operator may revoke access of any user if Registry Operator has evidence to support that the user has violated the terms of Section 2.1.5 below.

2.1.2 **Credentialing Requirements**. Registry Operator, through the facilitation of the CZDA Provider, will request each user to provide it with

information sufficient to correctly identify and locate the user. Such user information will include, without limitation, company name, contact name, address, telephone number, facsimile number, email address and IP address.

2.1.3 **Grant of Access**. Each Registry Operator (optionally through the CZDA Provider) will provide the Zone File FTP (or other Registry supported) service for an ICANN-specified and managed URL (specifically, <TLD>.zda.icann.org where <TLD> is the TLD for which the registry is responsible) for the user to access the Registry's zone data archives. Registry Operator will grant the user a non-exclusive, nontransferable, limited right to access Registry Operator's (optionally CZDA Provider's) Zone File hosting server, and to transfer a copy of the top-level domain zone files, and any associated cryptographic checksum files no more than once per 24 hour period using FTP, or other data transport and access protocols that may be prescribed by ICANN. For every zone file access server, the zone files are in the top-level directory called <zone>.zone.gz, with
<zone>.zone.gz.md5 and <zone>.zone.gz.sig to verify downloads. If the Registry Operator (or the CZDA Provider) also provides historical data, it will use the naming pattern <zone>-yyyymmdd.zone.gz, etc.

2.1.4 **File Format Standard**. Registry Operator (optionally through the CZDA Provider) will provide zone files using a subformat of the standard Master File format as originally defined in RFC 1035, Section 5, including all the records present in the actual zone used in the public DNS. Sub-format is as follows:

1. Each record must include all fields in one line as: <domain-name> <TTL> <class> <type> <RDATA>.
2. Class and Type must use the standard mnemonics and must be in lower case.
3. TTL must be present as a decimal integer.
4. Use of /X and /DDD inside domain names is allowed.

5. All domain names must be in lower case.
6. Must use exactly one tab as separator of fields inside a record.
7. All domain names must be fully qualified.
8. No $ORIGIN directives.
9. No use of "@" to denote current origin.
10. No use of "blank domain names" at the beginning of a record to continue the use of the domain name in the previous record.
11. No $INCLUDE directives.
12. No $TTL directives.
13. No use of parentheses, e.g., to continue the list of fields in a record across a line boundary.
14. No use of comments.
15. No blank lines.
16. The SOA record should be present at the top and (duplicated at) the end of the zone file.
17. With the exception of the SOA record, all the records in a file must be in alphabetical order.
18. One zone per file. If a TLD divides its DNS data into multiple zones, each goes into a separate file named as above, with all the files combined using tar into a file called <tld>.zone.tar.

2.1.5 **Use of Data by User**. Registry Operator will permit user to use the zone file for lawful purposes; provided that (a) user takes all reasonable steps to protect against unauthorized access to and use and disclosure of the data and (b) under no circumstances will Registry Operator be required or permitted to allow user to use the data to, (i) allow, enable, or otherwise support the transmission by email, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than user's own existing customers, or (ii) enable high volume, automated, electronic processes that send queries or data to the systems of Registry Operator or any ICANN-accredited registrar.

2.1.6 **Term of Use**. Registry Operator, through CZDA Provider, will provide each user with access to the zone file for a period of not less than three (3) months. Registry Operator will allow users to renew their Grant of Access.

2.1.7 **No Fee for Access**. Registry Operator will provide, and CZDA Provider will facilitate, access to the zone file to user at no cost.

2.2. **Co-operation**

2.2.1 **Assistance**. Registry Operator will co-operate and provide reasonable assistance to ICANN and the CZDA Provider to facilitate and maintain the efficient access of zone file data by permitted users as contemplated under this Schedule.

2.3. **ICANN Access**. Registry Operator shall provide bulk access to the zone files for the TLD to ICANN or its designee on a continuous basis in the manner ICANN may reasonably specify from time to time. Access will be provided at least daily. Zone files will include SRS data committed as close as possible to 00:00:00 UTC.

2.4. **Emergency Operator Access**. Registry Operator shall provide bulk access to the zone files for the TLD to the Emergency Operators designated by ICANN on a continuous basis in the manner ICANN may reasonably specify from time to time.

3. **Bulk Registration Data Access to ICANN**

3.1. **Periodic Access to Thin Registration Data**. In order to verify and ensure the operational stability of Registry Services as well as to facilitate compliance checks on accredited registrars, Registry Operator will provide ICANN on a weekly basis (the day to be designated by ICANN) with up-to- date Registration Data as specified below. Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN.

3.1.1 **Contents**. Registry Operator will provide, at least, the following data for all registered domain names: domain name, domain name repository object id (roid), registrar id (IANA ID), statuses, last updated date,

creation date, expiration date, and name server names. For sponsoring registrars, at least, it will provide: registrar name, registrar repository object id (roid), hostname of registrar Whois server, and URL of registrar.

3.1.2 **Format**. The data will be provided in the format specified in Specification 2 for Data Escrow (including encryption, signing, etc.) but including only the fields mentioned in the previous section, i.e., the file will only contain Domain and Registrar objects with the fields mentioned above. Registry Operator has the option to provide a full deposit file instead as specified in Specification 2.

3.1.3 **Access**. Registry Operator will have the file(s) ready for download as of 00:00:00 UTC on the day designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, though ICANN may request other means in the future.

3.2. **Exceptional Access to Thick Registration Data**. In case of a registrar failure, deaccreditation, court order, etc. that prompts the temporary or definitive transfer of its domain names to another registrar, at the request of ICANN, Registry Operator will provide ICANN with up-to-date data for the domain names of the losing registrar. The data will be provided in the format specified in Specification 2 for Data Escrow. The file will only contain data related to the domain names of the losing registrar. Registry Operator will provide the data as soon as commercially practicable, but in no event later than five (5) calendar days following ICANN's request. Unless otherwise agreed by Registry Operator and ICANN, the file will be made available for download by ICANN in the same manner as the data specified in Section 3.1 of this Specification.

Annex G – Table Comparison Matrix

Expected Impacted of Requiring thick Whois	IPC	BC	ALAC	NPOC	Verisign	RySG	RrSG	NCUC	Preliminary Conclusion	
Response Consistency	✓	✓	✓	✓	✓	✓	✓	✗	Almost all agree that from the perspective of response consistency, requiring thick Whois could be considered a benefit	✓ = Positive impact ✗ = Negative impact
Stability	✓	✓	✓	✗	✗	✓	✓	✗	Most agree that from the perspective of stability, requiring thick Whois could be considered a benefit	✓ = Positive impact ✗ = Negative impact
Accessibility	✓	✓	✓	✗	✗	✓	✓	✗	Most agree that from the perspective of accessibility, requiring thick Whois could be considered a benefit	✓ = Positive impact ✗ = Negative impact
Cost Implications	✗	✗	✗	?	?	✗	✗	?	More information needed, but in principle most agree that there is no negative impact expected with regard to cost implications from requiring thick Whois	✗ = no negative impact expected with regard to costs ? = More information needed

Synchronization / Migration	?	✓	✓	?	?	?	?	?	More information needed	✓= No significant impact expected ? = More information needed
Competition in registry services	✓	✓	✓	X	0	/	/	X	Most agree that there will be more, or no difference in competition if thick Whois would be required.	✓= More competition / = no difference X= less competition 0 = no comment
Existing Whois applications	/	✓	✓	0	0	/	✓	X	Almost all agree that there will a positive, or no impact on existing Whois applications if thick Whois would be required.	✓ = Positive impact / = no difference X = Negative impact 0 = no comment
Registrar Port 43 Whois Requirements	X	X	X	0	0	X	✓	0	Almost all agree that Port 43 Whois Requirements should be maintained if thick Whois would be required	✓ = Makes Port 43 redundant X = Does not make Port 43 redundant 0 = no comment
Privacy & Data Protection	✓	✓	✓	X	X	✓	✓	X	Most agree that from the perspective of Privacy & Data Protection there are no significant issues if thick Whois would be required	✓ = Not an issue / not specific to thick Whois X = Is a problem

Authoritativeness	?	✓	?	?	?	✓	✓	✗	More information needed	✓ = registry would become authoritative ✗ = Registrar should remain authoritative ? = More information needed
Data Escrow	0	✓	✓	0	✓	0	✗	✓	Almost all agree that there should be no change to the current data escrow requirements if thick Whois is mandated	✓ = Current escrow requirements should be maintained ✗ = No need to maintain current escrow requirements 0 = no comment